

FOREWORD by Acharya G. S. Ghosh

STATELESS IN SOUTH ASIA

The Chakmas between
Bangladesh and India

DEEPAK K. SINGH

Stateless in South Asia

Chakma Library
ཇེལ་ བཟུགས་
www.chakmalibrary.net

Stateless in South Asia

The Chakmas between Bangladesh and India

DEEPAK K. SINGH

Chakma Library
ꠘꠟꠞ ꠘꠟꠞꠟ
www.chakmalibrary.net



Los Angeles | London | New Delhi
Singapore | Washington DC | Melbourne

Copyright © Deepak K. Singh, 2010

All rights reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage or retrieval system, without permission in writing from the publisher.

Jointly published in 2010 by



SAGE Publications India Pvt Ltd
B1/1-1 Mohan Cooperative Industrial Area
Mathura Road, New Delhi 110 044, India
www.sagepub.in

SAGE Publications Inc
2455 Teller Road
Thousand Oaks, California 91320, USA

SAGE Publications Ltd
1 Oliver's Yard, 55 City Road
London EC1Y 1SP, United Kingdom

SAGE Publications Asia-Pacific Pte Ltd
3 Church Street
#10-04 Samsung Hub
Singapore 049483

and



New India Foundation
22 A Brunton Road
Bangalore 560025

Published by Vivek Mehra for SAGE Publications India Pvt Ltd, typeset in 10/13pt Berkeley by Star Compugraphics Private Limited, Delhi.

Library of Congress Cataloging-in-Publication Data

Singh, Deepak, K.

Stateless in South Asia: the Chakmas between Bangladesh and India/Deepak K. Singh.
p. cm.

Includes bibliographical references and index.

1. Refugees—Bangladesh—Chittagong Hill Tracts (Region) 2. Refugees—India—Arunachal Pradesh. 3. Chakma (Asian people)—Bangladesh—Chittagong Hill Tracts (Region) 4. Chakma (Asian people)—India—Arunachal Pradesh. I. Title.

HV640.5.B35S56

305.891'44—dc22

2009

2009037164

ISBN: 978-81-321-0236-6 (HB)

The SAGE Team: Rekha Natarajan, Pranab Jyoti Sarma and Trinankur Banerjee

For

Sunita,

*who perhaps would not be too disappointed with
the way Mridul is shaping up.*

Use of Maps	15
Use of Information	16
Participating in the Learning Cycle	17
Participating in the Learning Cycle	18
Participating in the Learning Cycle	19
1. Children's Rights: Part of the Human Rights and Development Values	1
2. CBT and MIRA: From Clinical to Community Psychological Support	20
3. Politics of Demography (The Impact of Migration on The Lives of Women)	21
4. Children's Rights in the Home and School: Concepts, Practice and Policies	130
5. Clinical Interventions of the MIRA in Clinical and Community	131
6. Children's Rights: Understanding the Clinical Experience of Refugees	132
7. Approaching the Community: Learning and Development of Women and Their Families	133

Contents

<i>List of Maps</i>	ix
<i>List of Abbreviations</i>	x
<i>Foreword by Ramachandra Guha</i>	xii
<i>Preface</i>	xv
<i>Acknowledgements</i>	xxi
1 Chakma Refugees: <i>Partition Residues and Development Victims</i>	1
2 CHT and NEFA: <i>From Colonial Outposts to Postcolonial Peripheries</i>	30
3 Politics of Demographic (Dis)order in Northeast India: <i>The Idiom of Protest</i>	71
4 Chakma Diaspora in Northeast India: <i>Excluded Communities, Fragmented Identities</i>	110
5 Official Discourses of the Chakma Issue: <i>Centre versus State</i>	130
6 Chakmas' Self-perceptions: <i>Understanding Everyday Lived Experiences of Refugees</i>	151
7 Arunachalis' Self-perceptions: <i>Assertion and Reconstruction of Identity and Ethnic Nationalism</i>	180

8	The Making of Refugees in South Asia: <i>Nation, State and Outsiders</i>	221
9	Interrogating India's Refugee Policy	248
	<i>References</i>	268
	<i>Index</i>	283
	<i>About the Author</i>	290

List of Maps

1.1	The Radcliffe Line in Bengal and Adjacent Districts	14
2.1	Administrative Units in East Pakistan (Bangladesh) and Northeastern States of India: 1947–2009	32
2.2	Muslim Majority and Non-Muslim Majority Population on either Side of the Bengal Border	34
4.1	Chakma Diaspora in Northeast Indian States	112

List of Abbreviations

AALCC	Asian–African Legal Consultative Committee
AAPSU	All Arunachal Pradesh Students Union
AASU	All Assam Students Union
ACHR	Asian Centre for Human Rights
APC	Asia/Pacific Consultations
APCSU	Arunachal Pradesh Chakma Students Union
APST	Arunachal Pradesh Scheduled Tribe
ATTF	All Tripura Tiger Front
CCRCAP	Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh
CHT	Chittagong Hill Tracts
CJP	Chakma Jatiya Parishad
CRC	Convention on the Rights of the Child
ECI	Election Commission of India
EPG	Eminent Persons' Group
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
I.F.A.S.	Indian Frontier Administrative Service
ILO	International Labour Organisation
MNF	Mizo National Front
MZP	Mizo Zirlai Pawl

NDA	National Democratic Alliance
NEFA	North East Frontier Agency
NHRC	National Human Rights Commission
NLFT	National Liberation Front of Tripura
NSCN	National Socialist Council of Nagaland
PCJSS	Parbattya Chattogram Jana Sanghati Samiti
PPA	People's Party of Arunachal
SAHRDC	South Asian Human Rights Documentation Centre
TRA	Tripura Resurrection Army
UDHR	Universal Declaration of Human Rights
ULFA	United Liberation Front of Assam
UNHCR	United Nations High Commissioner for Refugees
USAID	United State Agency for International Development
WCIP	The World Council of Indigenous Peoples

Foreword

The literature on the Partition of India has tended to focus on the immediate aftermath of that momentous event— the riots between Hindus, Muslims and Sikhs; the exchange of populations; the plight of refugees; the rattling of sabres by India and Pakistan over the disputed territory of Jammu and Kashmir. The years that this literature is chiefly concerned with are 1947 and 1948. In this regard, Deepak K. Singh's *Stateless in South Asia* greatly expands our understanding of Partition both *temporally*, by underscoring its impact in later decades, as well as *spatially*, by showcasing a region of the subcontinent, the Northeast, that has been greatly ignored by historians and social scientists.

The empirical core of Singh's study consists of a fine-grained analysis of Chakma refugees in the Indian state of Arunachal Pradesh. Originally from upland areas of what is now Bangladesh and what was previously East Pakistan, these Chakmas were displaced by a massive hydroelectric project which inundated their fields and submerged their villages. They were (as so often is the case with dam oustees) inadequately compensated, and came across the border into India in search of homes and livelihoods.

In East Pakistan, the Chakmas, who are Buddhists, were treated with contempt and condescension by Bengali-speaking Muslims. But they have not been granted full rights of citizenship in India, either. More than four decades of residence notwithstanding, a mere 5 per cent of them have been allowed to vote in Indian elections. All this while, they have faced hostility from the local, indigenous populations of Arunachal Pradesh.

As Singh points out, studies of refugees have tended to concentrate on refugees alone. His work, by contrast, closely examines the interactions between the displaced Chakmas and the tribes of Arunachal among whom they now reside. The relationship is marked more by discord than by harmony. The residents of this part of India have themselves been considered marginal by the mainstream. Arunachal Pradesh borders China, and indeed, that country has often laid claim to the territory. In the author's pithy formulation, in view of the threat from its even larger neighbour, the Indian state has been concerned with protecting the borderlands, but not with enhancing the rights of the borderlanders. The Arunachalis are scarcely represented in the upper echelons of the bureaucracy, and not at all in the modern sectors of the economy. At the same time, the fact that they are not Hindus has led to them being considered somewhat foreign (not to say inferior) by mainland India. Their own precarious existence in the Republic of India means that they are unwilling to extend full hospitality to the tens of thousands of Chakmas who have been placed in their midst.

Singh provides a detailed and empathetic account of the conflicts between the Chakmas and the people of Arunachal. This is a struggle between two subaltern peoples who are each, in their own way, victims of rivalries between nation-states. He principally relies on oral testimonies, these supplemented by newspaper reports and court cases. The ecumenism of research methods is matched by a willingness to creatively trespass into adjacent disciplines. Although trained as a political scientist, Singh also draws innovatively upon the work of anthropologists and historians. These varied methods and approaches are synthesised in a lucid and most readable narrative.

As will be apparent, *Stateless in South Asia* is much more than a study of a neglected aspect of Partition. It breaks new ground in several respects. As the first study of refugee politics in Northeast India, the book greatly illuminates our understanding of a region ignored by politicians and intellectuals alike. It contributes in an original and constructive fashion to ongoing debates about the politics of citizenship and the sustainability of present models of economic development. A noteworthy aspect of the book is that the author is not himself a Chakma or an Arunachali. This is both uncharacteristic as well as (or perhaps hence) refreshing. Indian scholars

have tended to work on their own linguistic or geographical regions—a Kannada-speaker on Karnataka, a Bengali on Bengal, a Maharashtrian on Maharashtra. Likewise, Dalit scholars are encouraged to study Dalit issues and Muslim scholars, Muslim problems. Originally from Bihar, domiciled in Punjab, Singh chose not to work on either of those two states but to instead, study a region of India far removed—in all senses—from his own. That he has accomplished this task so effectively may, one hopes, inspire more young scholars to likewise venture into areas and topics other than those defined by their personal background or experience.

Ramachandra Guha
Bangalore, India

Preface

The year 2004 is a year the Chakma refugees may relish revisiting over and over again. It was in this year that the Election Commission of India, in an order dated 3 March, scripted a new chapter in the history of these stateless people by including some 1,497 of them in the voters' list. Of the 65,000 Chakma refugees presently living in the northeast Indian state of Arunachal Pradesh (formerly known as NEFA), this number may be minuscule, but is nonetheless historic in terms of beginning the process of ending their statelessness. This allowed them to vote twice in quick succession, in May and October, the same year for the State Assembly and Parliamentary elections, respectively.

Chakmas are amongst the first victims of development-induced-displacement in modern South Asia. The completion of the Kaptai reservoir in Chittagong Hill Tracts (CHT) in early 1961 had turned some 100,000 people into 'environmental refugees'. The Buddhist Chakmas constituted the single largest ethnic block of affected people who became landless, with their prime cultivable land submerged under water. In the absence of adequate compensation and consistent subjection to political and religious persecution at the hands of the East Pakistani regime, whose singular interest in the region was the land and not its non-Muslim ethnic inhabitants, some 40,000 Chakmas took asylum in India in 1964. It took the Indian state 40 long years to recognise a meagre 1,497 of them as Indian citizens!

The euphoria and jubilation which followed the announcement of the declaration five years ago was instantaneously met with popular protest

and resistance from the actually hosting local indigenous peoples. The All Arunachal Pradesh Students Union (AAPSU), which has been spearheading a mass movement to oust them from Arunachal since the early 1980s, protested by giving a call to boycott the forthcoming elections. While the elections were held as scheduled, the Chakma voters found themselves in a bizarre situation of not knowing who to vote for, as each and every political party went to the elections with the promise of ousting them from the state if voted to power. As one of the Chakma leaders quipped: 'We are unable to make up our mind which party to vote for as all of them were speaking the same language of expelling us from the state if they were elected.'¹ This did not deter them, however, from going ahead and exercising their right to franchise they had long aspired for.

Even this partial grant of citizenship has emboldened the spirit and hopes of the community members by instilling in them a never-seen-before sense of optimism. As Subimal Chakma, the President of the Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP), who has been at the forefront of a movement for citizenship rights, observed: 'after four decades of struggle, we are now hoping to lead a normal life, with the Indian government according us legal sanction to become Indian citizens.'² Such hopes may, however, not last for long, given the specificities of Arunachal where non-ethnic Indian citizens cannot lead a 'normal' life. Arunachal is one of the unique states in India which has been enjoying special statutory safeguards right from the colonial period. It is for this reason that conferment of citizenship in itself will not usher in their fuller integration into the social fabric of Arunachali society. At best, it would only bring them at par with the other non-ethnic Indian citizens in the state without any ownership rights over land and other resources. As this book shows, the Buddhist Chakmas do not want to be treated as second class citizens, and insist on being treated at par with the local indigenous peoples. This is, however, not acceptable to the indigenous peoples who fear such a move might eventually wipe them off the map in the long run.

Articulation of such fears and apprehensions by the indigenous peoples in whose midst the Chakmas are now settled, is rooted in a rather prolonged history of isolation and marginalisation of Arunachal Pradesh from what is euphemistically called the 'mainstream'. Arunachal, for all practical purposes remained until recently, if anything, a 'hidden land'.

Till well into the late 1950s, Arunachal remained 'as much *terra incognita* in Lhasa as it was in Delhi or Shillong, let alone Peking which was never remotely interested in the area except during the campaigns of Chao Erh-feng' (Woodman 1969: 197).³ The dearth of information about the various ethnic communities inhabiting the then NEFA is evident from the fact that even their names were in doubt. 'There were vast areas, which had never in their history been visited by outsiders, and there was not even the barest knowledge of their inhabitants, languages or customs' (Rustomji 1983: 114). However, the picture is not very different today. It continues to be viewed by the rest of India as a homogenous cultural monolith or an undifferentiated mass of people, underplaying its diverse ethnic make-up and distinct cultural practices. Significantly, Arunachal is home to some 26 major ethnic groups and over 100 sub-ethnic groups with virtually no commonality between them.

This book is, then, a historical and analytical exploration into the human predicament of one of the earliest episodes of mass displacements in the history of modern South Asia. It deals with two specific categories of marginalised peoples—the Chakma refugees and the indigenous peoples of Arunachal—who do not fit into the conventional framework of hierarchicalised structures of dominant–subordinate relationships. Privileging the vantage points of the two communities, it shows how the Chakma issue has become a classic case of political apathy on the part of the modern postcolonial states in South Asia whereby both the refugees and the indigenous peoples, marginalised in their own peculiar ways, find themselves intricately intertwined in a conflict over control of resources for which neither is responsible. By locating the current issue in its historical context, it highlights the nature and extent of social and political exclusion of Chakma refugees as well as some of the important aspects of the periphery complex that the indigenous peoples find themselves trapped in. It thus makes a holistic study of what has turned out to be one of the most intractable refugee issues in the history of modern South Asia.

The uniqueness of this study lies in showing how the current Chakma refugee issue is illustrative of a contest at three important levels: citizenship, ethnicity and history. It addresses the issue of denial of citizenship rights to the Chakmas by the Indian government and their consequent statelessness, and the linkage between a policy of 'ethnic cleansing' and Chakmas' flight from their home. These questions are then counterposed to the

dominant theory, which singularly privileges the 'developmental' aspects of Chakmas' displacement. Also, the disconnect between the dominant official representation of history and popular reconstruction of history in the context of inclusion of CHT in East Pakistan forms an important part of the book. Equally important questions from the perspective of the actually hosting indigenous Arunachalis relating to their growing fears of 'cultural annihilation' in the wake of Chakmas' fuller integration into their society, and their consequent political response in the form of growing ethnic nationalism are analysed within the broader context of fear and resistance to outsiders widely prevalent in Northeast India.

Following the framework of oral history, it seeks to unravel the trials and tribulations of the uprooted indigenous Chakma ethnic community both during and after their displacement. The distinctiveness of the study lies in its comparative perspective, wherein the developments on both sides of the international border between Bangladesh and India as well as the centrality of the perceptions of the Chakma refugee population and the hosts in Arunachal Pradesh (who are members of indigenous communities) are examined.

Using the Chakma issue as a case in point, this study seeks to unravel the trajectory of statelessness and refugehood in South Asia by delving deep into the lived experiences of refugees without losing its focus on the equally significant self-perceptions of the community hosting them. In order to ensure equanimity of its approach, this study privileges the self-perceptions of both the refugees and the indigenous host communities over the official discourses of the issue. Juxtaposed against the popular perceptions, the official discourses appear far removed from the real issues confronting the two principal parties embroiled in a conflict over control of resources. Moreover, unlike the dominant trend in refugee studies which tends to focus the spotlight exclusively on the displaced peoples, bypassing the actually hosting community in the process, this study seeks to remove this anomaly by trying to ensure that the hosting community too remains at the centre of attention. This is important simply because it is they who are actually made to bear the brunt of such state-sponsored displacement in the name of some supposedly mythical 'national interests' of the hosting state.

Most of the studies on refugees rarely, if at all, go beyond the concerns of the displaced people who are doubtless in need of genuine care and

understanding. However, the sheer nature and extent of their crisis situations eclipse the concerns of the community hosting the refugees, leading to, at best, only a partial or, at worst, a skewed understanding of the real issues. The need to know the self-perceptions of the members of the hosting community, particularly if it itself happens to be living on the edge, becomes all the more urgent, as they happen to be no less marginalised in their own peculiar ways. However, this fact is rarely acknowledged, let alone emphasised, in refugee studies. It is always the host state and not the actually hosting community which assumes centrestage in all dialogues and negotiations with the state from where the refugees arrive. Much as we would like to know, we do not know in the absence of any study, as to what the Pakistanis feel about Afghan refugees, the Himachalis about the Tibetans or for that matter the Indian Tamils about the Sri Lankan Tamils. The near-total absence of efforts to find out the self-perceptions of the hosting community thus poses serious problems in terms of addressing such issues either at the official level or at the level of scholarship. It is in this respect that this study seeks to break new grounds by recovering the voices of not only the refugees, but also equally of the actually hosting community.

Some of the key issues raised by this study thus relate to the status of stateless peoples and refugees in South Asia, with the concomitant question of what it takes to qualify as citizens of the 'modern' postcolonial states in the region. Ironically, the study shows that while the states are solely responsible for the making of refugees and stateless peoples in the region, there is absolutely no legal-institutional or legislative framework in place to unmake such a status once they are ejected out of the territorial boundary of a state. Such a state of affairs has only worsened the woes of those people who have never known in their lifetime, what it feels like to be citizens of some state or the other. It is only they, however, who know what it feels not to belong to any state! States, abstract entities that they are, remain too preoccupied in their own obsessions with maintaining themselves irrespective of what happens to those who do not belong. Given the peculiarities of the making of 'modern' nation-states in South Asia, such concerns and issues rarely attract the kind of attention they deserve. The uniqueness of this study then perhaps lies in showing how the fault lines of partition and nationhood in South Asia accompanied

by the callous and apathetic attitudes of the 'modern' nation-states have proved unbridgeable, leading to the unending saga of despair and dejection among the displaced populace.

NOTES

1. This information has been taken from an article titled 'Chakma Refugees in a Fix Over Whom to Vote', available at <http://www.sneha.org.in/sneha/paperclips.html> (accessed on 6 July 2007).
2. This information has been taken from an online article titled 'Enthusiastic Refugees Vote after 40 Years', available at <http://www.newindiaexpress.com/election/2004/News.asp?> (accessed on 12 March 2005).
3. Chao Erh-feng was a Chinese General whose campaigns in the early 1890s had brought a large part of the Tibetan territory under Chinese administration.

Acknowledgements

I have collected many debts during the course of writing this book. My foremost debt is to my teacher, supervisor and now colleague, Bhupinder Brar, who foresaw a book-in-the-making while I was writing it first for my doctoral dissertation. A fellowship from the New India Foundation (NIF), Bangalore, proved instrumental in taking it to its logical conclusion. My association with Ramachandra Guha and his keen interest in the project made a huge difference, as he gave invaluable suggestions at various stages of writing this book. My special thanks to him for agreeing to write a foreword. I must hasten, however, to make the usual disclaimer that the limitations of the book are all mine.

I remain deeply beholden to all the interviewees who agreed to speak to me and who gave of their time and trust. In addition to all the interviewees cited in this book, I owe special thanks to Mungtang Mossang, Kimsing Mossang, Jarjum Ete, T. Sena, Kamal Lochan Chakma, Ajay Sen Chakma, Sushant Chakma and Anthony Mossang for facilitating the fieldwork for this study. I will never quite know the way to adequately thank them.

My former colleagues and friends at Arunachal University (now known as Rajiv Gandhi University)—late B.N. Singh, Prabhat Kumar Kuri, Sarit Chaudhary, Sucheta Sen, Sushant Nayak, Shantanu Patnaik, Maltesh, Anup Saikia, Sanjiv Sur, Satyabrata Sarkar and Ghosh Da—have continued to help me in numerous ways even after I moved to Chandigarh. My friends and colleagues in the Department of Political Science, Panjab University have been most supportive and understanding. I thank them for making my study leave possible, for agreeing to engage my classes

during my absence, and for taking keen interest in the completion of the book. I am particularly thankful to Sanjay Chaturvedi for allowing me access to his personal library. The prompt support of the administrative wing and the library of the department made everything smooth. For this, my sincere thanks to Sohan Lal Sharma, Paramjit Singh, Sewan Kumar, and Hansraj. I also thank Sunil Kumar Jangra, a GIS professional with Punjab Engineering College, Chandigarh for agreeing to draw the maps included in the book.

Different chapters and portions of this research were presented in seminars and conferences over the past years. Feedback and comments from these presentations particularly those at the Centre for Refugee Studies, Jadavpur University, Calcutta; Anthropological Survey of India, Shillong; Indian Institute of Advanced Studies, Shimla as well as from presentations in Panjab University have aided reflection and helped sharpen my arguments.

My friends have always been there whenever I needed them. I consider myself exceptionally lucky to have found a friend in Sunil Bansal. I could always trust in him and make unreasonable demands without feeling apologetic. S.V. Srinivas simply had no choice but to go through several drafts. Each time he went through it, it only got better. Every time I knocked Sanjay and Vandita Mishra's door in Delhi, whether during my fieldwork in the city or any other work related to the book or simply for a break, they always made me feel more than at home. Through Vandita I got unbelievably easy access to the data archive section of *The Pioneer* and *Indian Express*. Amitabh Dviwedi willingly went through several drafts and always believed in my ability to finish the book. Each time the going got tough, I picked up the phone to talk to Anita and Gauri only to get back with renewed energy. Janaki Srinivasan not only pushed me into finishing the book, but also helped in multiple ways with her critical inputs, editing skills and proof reading.

I owe special thanks to Rekha Natarajan and Pranab Sarma at SAGE, New Delhi, for their crucial inputs into the book at different stages. My special thanks are also due to Rama for editing parts of the book. I only wish she could have gone the whole hog!

That Sunita could not see the book in print will remain a lifelong regret. She would have been very proud of me irrespective of its numerous shortcomings! Mridul has been my pillar of strength all these years. Had it

not been for him, I would have never completed this book. I am especially indebted to Sham Sharma, my mother-in-law, who quit her own world to be with us. Despite her failing health, she refuses to give up and does everything to keep us going. I owe this book to the three of them.

Chakma Refugees: Partition Residues and Development Victims

I was a non-Bengali-speaking Buddhist in Chittagong Hill Tracts (CHT), now a part of Bangladesh. Prior to 14 August 1947, I was a British subject. On 14 August I became a citizen of the state of Pakistan. In 1971 the Chakmas in CHT became citizens of Bangladesh, while those of us living in India as refugees became stateless people, as Bangladesh did not recognise us as its citizens and the Indian state had not granted us citizenship. We have thus never had the opportunity to determine our own identity, which is responsible for our continuing plight as stateless peoples. How long will it go on like this? (Sumoti Ranjan Talukdar, Jyotsnapur Village, Changlang District, Arunachal Pradesh)

The presence of Chakmas on our land poses direct threat to our survival. We do not object to their demand for citizenship, but to the prospect of their permanent settlement on our land. We are against the Indian government's move to treat the Chakma refugees at par with us, the indigenous Arunachalis, which at once will nullify our unique status in the State. We apprehend this to be part of a larger design on the part of the Indian state to deindigenise and disempower the indigenous peoples. We shall never allow the Indian government to have its way. It is a question of our survival—the survival of the indigenous peoples. (Nabam Jollow, Former President, All Arunachal Pradesh Students' Union, Itanagar, Papum Pare District, Arunachal Pradesh)

The Assamese and the tribals are *humane* and practical people who will not insist on the summary eviction of *bona fide* settlers. The rehabilitation of refugees is, however, a national responsibility and they are entitled to expect that, if commitments have been made regarding their acceptance, the burden of their settlement should fall equally on the country as a whole and not only on those states that happen to be contiguous to Bangladesh. It is, moreover, unjust that those very regions that have been defined in the Constitution as

2 Stateless in South Asia

requiring special safeguards for their economic and social survival should be subjected to population pressures which, if not restrained, can only result in their cultural annihilation. (Rustomji 1983: 14)

The Buddhist Chakma are theoretically 'outsiders', but they have come fleeing religious and economic persecution in their native Bangladesh [East Pakistan]. Their conflict with the Arunachali 'insiders' is thus, as Elwin would have recognized, a struggle of right against right. (Guha 1999: 323)

FAULT LINES OF NATIONHOOD

If the nation is an 'imagined community', as the famously acknowledged thesis of Benedict Anderson¹ suggests and the state is an embodiment of the nation, then there are several communities which have been historically denied such a *freedom* of imagination. Even in its narrow and limited sense as a signifier of the end of colonial rule as understood in the 'mainstream' dominant discourse, let alone the ideal sense in which freedom is conceptualised as a *condition of being* in which members of a given political community enjoy genuine autonomy in terms of organising and reorganising their lives to help them pursue their determined aims and goals, the term freedom has proved elusive for different groups of people of the newly emergent political communities in South Asia.

This book focuses on two such communities, among several others in South Asia, which continue to remain outside the purview of state-orchestrated nationhood. These are the ethnic non-Bengali Buddhist Chakmas from the CHT living as stateless refugees in the Northeastern Indian state of Arunachal Pradesh and the actually hosting communities of varied ethnic indigenous peoples of the state. What is common to both these groups of differentially marginalised peoples is the absolute absence of the idea of a common national identity they can pride themselves on.

As far as the ethnic Buddhist Chakma people of the CHT are concerned, the actualisation of such a sense of freedom has never actually appeared to them a tangible possibility, let alone an ontological reality. Both in their homeland and in the points of their diaspora in Northeast India, such a sense of freedom has continued to elude them in the more than six decades of independence of the Indian subcontinent. Clearly then, the meaning of the freedom that India gained in 1947 has meant different things to different groups of the once-colonised people. The community which they did wish to become a part of, however, had no political-cultural space for them when it actually got *imagined* into existence.

The political community which they did imagine for themselves, howsoever briefly, had in fact not come into existence, as it was in its nascent stage. It was during the anti-colonial movement in British India that the Chakmas as a people had imagined themselves as part of the larger Indian community—a 'nation' which was still in its making. Despite overtly unambiguous articulation of deep nationalist aspirations and a strong sense of identification with India, Chakmas' *imaginings* as its conationals could never become a reality. Instead, a nation was 'imagined' on their behalf first by the colonial British rule and subsequently by the independent Pakistani and Bangladeshi unitarist states.

The British colonial authority, in its own imagination, made them part of a 'community' they had never even remotely identified themselves with, that is, Pakistan—the colonial cousin of India. This was so not because of any inherently systematic exclusionary design on the part of those who became members of the new political community called India, but because of the *politics* of partition of undivided British India. About a quarter of a century later, the newly independent Bangladeshi state once again thwarted their nationalist aspirations by refusing to concede them any autonomous space within what was set to emerge as a unitarist Islamic Republic.

The Nowhere People

Like Sumoti Ranjan Talukdar, thousands of other Chakma refugees in Arunachal Pradesh find themselves in the midst of uncertainty and hopelessness (Sanyal 1995). Historically denied an opportunity to determine their own identity, and physically dissociated from their very source of citizenship, they continue to strive for a political identity of their own. Ironically, the political identity of the Chakma refugees as East Pakistanis got transformed into a new identity as stateless people while in exile in India with the emergence of Bangladesh in 1971. Over the years, their exilic status has precluded them access to civil and political rights in India even though they have legitimate claims to Indian citizenship as per the existing laws and norms. What has, however, remained unchanged in their self-perceptions over the years is the issue of their unambiguous nationality and/or their ethnic identity. They continue to identify themselves with the cultural and civilisational milieu of undivided India and stake their legitimate moral and political claim as Indians. Ironically, what has changed indeed, despite their unwillingness and reluctance, is the

4 Stateless in South Asia

question of their political identity. From being a subject population during the colonial rule like their counterparts in other parts of undivided India, and despite legitimately qualifying to be considered co-nationals, they have been reduced to the status of 'nowhere' people without any hope of ever redeeming their lost selves. The prospect of effecting 'disalienation' of their lost selves, a term used and popularised by Fanon, appears quite bleak in the absence of any viable constituency willing to own them (1952/1967).² As victims of the arbitrary and irrational logic of partition of the subcontinent, they continue to remain stateless without a semblance of any *humane* existence.

A People off the Map

The social history of the indigenous peoples of Arunachal Pradesh too, on the other hand, is illustrative of a fundamental contradiction in terms of their own unique and distinct histories as a people in sharp contrast to what is mistakenly called the Indian nation which tends to appropriate and subsume peoples with very different and specific ethno-cultural roots with no signs of any palpable evidence of an organic relationship between them. This situation is not unique to Arunachal, but is largely representative of the postcolonial anxieties as witnessed in the whole of the Indian subcontinent. Both during the colonial period and much of the early phase after Indian independence, the indigenous peoples of what was then called North East Frontier Agency (NEFA) had absolutely no conception of what this entity called 'India' meant or implied. Moreover, the sheer complexity in terms of the diverse ethnic make-up of the people inhabiting the frontier region further complicated the picture, as there was no semblance of any inherent unity of purpose or solidarity even amongst the various ethnic indigenous communities themselves, let alone a sense of identification with what was vaguely called Indian 'nation'.

The social fabric of Arunachal Pradesh is characterised by a bewildering range of diversity, making it an ethnic potpourri with some 26 major ethnic groups further subdivided into 110 sub-ethnic groups dotting the demographic contours of the state. No two ethnic communities of the state can communicate with each other in one common language. What is common between them, however, is the mere fact that they cohabit the same territorial space officially called Arunachal Pradesh, which too has remained embroiled in a lingering controversy, as both India and China

have for long been at loggerheads with each other over the legal status of the frontier region. Much like the stateless and nationless Chakma refugees living in the state, the indigenous peoples of Arunachal Pradesh thus also lack the trappings of a nation despite having an official state called India, as they neither constitute a homogenous linguistic collectivity nor do they have an undisputed territorial base—the two essential prerequisites for a people in order to qualify as a nation.

Arunachal has been making news in the past few years with the renewed exchange of claims and counter claims between India and China. It had all started with China denying a visa to an official from Arunachal desiring to visit China along with other Indian civil servants for some training on the grounds that he did not need one to visit his 'own' country. The Chinese embassy did grant visas to all others except the one from Arunachal, sending a strong message to the Indian state that Arunachal was a part of China. More recently, the Chinese Ambassador in India openly voiced the view that Arunachal is a disputed territory causing embarrassment not only to the Indian authorities but also to the Chinese government.

Indian Prime Minister Manmohan Singh too, in his visit to China in 2008, got an inkling of the prevailing mood in the country which does not favour a resolution of the border issue. He made a frantic visit to Arunachal on his return, announcing the biggest ever developmental package of Rs 10,000 crores to the state in an attempt to reassert India's claim over the territory. China took exception to the Prime-ministerial visit, which in turn was dismissed by the Indian government on the grounds that Arunachal is an integral part of India and that the Prime Minister does not require China's permission to visit the state (D.K. Singh 2008a).

While all this had been going on, Tapir Gao, the Bhartiya Janata Party MP from Arunachal Pradesh, suddenly expressed his anguish over the complete absence of railway network in the state, threatening that Arunachal could get one from China if the Indian government could not provide one. This sudden outburst was a subtle way of conveying to the Indian state that if India continues to feel jittery even after 60 years of independence in owning up the region and its indigenous peoples, the people of Arunachal can willy-nilly look across the border. It would be a gross misreading, therefore, to perceive his reaction as a mere craving or hankering for a slice of the developmental cake. Particularly so,

6 Stateless in South Asia

when Gao's outpouring of the periphery complex is viewed in the context of the recently announced economic package for the state by Manmohan Singh himself during his maiden visit there (Ibid.).

What is most disturbing about the ongoing controversy over the status of Arunachal is the fact that while both China and India continue to make claims and counter claims over the region, the views of the native indigenous peoples of Arunachal are never accounted for. Neither India nor China has ever made any effort to find out the cultural and political aspirations of the people. It is the land which alone enjoys a privileged position both in the official accounts and popular coverage of the issue. It appears quite bizarre that while New Delhi seems to be now pushing the 'package deal' solution, that is, swapping India's claims in the western sector (Aksai Chin) for China's in the eastern sector (Arunachal Pradesh) though it had rejected this twice in the past, in 1960 and 1980; the need for involving the people or at least the popularly elected state government is never given due consideration.

If it had accepted the first time Beijing made this offer, the India-China war of 1962 need not have taken place and subsequent history could have been very different. Now it is Beijing's turn to hang tough, as it is pressing its claims to the Tawang sector in Arunachal Pradesh. Even after reassurances by the Prime Minister himself that there is no dispute over the status of the state, Chief Minister Dorjee Khandu recently admitted to the prevalence of widespread apprehensions in the minds of the people about China and its intentions. What he never underscored, however, has been now done by Mr. Gao, that is, the palpable possibility of looking the other way if India continues to dither and hesitate in owning ethical responsibility towards the region and its people.

Occasional official pronouncements from the Ministry of External Affairs that 'Arunachal is an integral part of India' have thus far failed to cut any ice either with the indigenous peoples of the state or the Chinese authority. Moreover, the sudden 'development push' that the state has received is being noticed with a certain degree of suspicion and circumspection both in Arunachal Pradesh and China. As far as the Indian state is concerned, development packages have always been an extension of the logic of national security. The need to go beyond the 'national security' discourse which privileges the borderland and not the *borderlanders* could never have been as pressing. This is important because the lens of 'national

security' is not sensitive enough to zoom in onto the people. It gets terribly out of focus before reaching out to them. It can thus only see the region as composed of strange and unknowable cultures and peoples, who are from such a perspective somewhat off the map.

This chapter examines the idea of nation and nationhood against the backdrop of a contest-ridden history of the making of postcolonial modern nation-states in South Asia, with the corresponding question of what it takes to be a citizen. This is approached through an analysis of the case of the Chakma refugees, the residue of partition of India, a 60-year-old 'fact' that still continues to powerfully impact current politics. It also shows how the present plight of these people as stateless refugees is directly linked to the fallacies of partition which was done in the most haphazard manner possible. The case of Chakma refugees not only illuminates some larger questions of history and politics, but also allows us to examine the question of the rights of minorities in a modern nation-state, as the Chakmas were a vulnerable minority in Bangladesh and continue to remain so in India with the additional burden of being stateless.

PARTITION OF THE SUBCONTINENT: A HUMAN CATASTROPHE

The contemporary history of South Asia is replete with instances of people on the move—be it refugees or proactive migrants. The first wave of decolonisation in South Asia in the late 1940s was accompanied by the largest single bilateral flow of people in the region and also perhaps the biggest refugee movement of the 20 century. With the partition of the subcontinent in 1947 and the subsequent emergence of India and Pakistan as 'modern' nation-states, the geo-political landscape of South Asia changed forever. Also, along with it changed the ethnic landscape of the region when people with a common historical past and shared ethnicities got divided on the basis of culturally unsustainable communal lines. The euphoria which had marked the birth of new nation-states proved unimaginably short-lived, as it was simultaneously accompanied by the cataclysmic partition of the subcontinent, resulting in one of the worst incidents of human tragedy in recorded history with millions of people becoming refugees and hundreds of thousands getting killed in brutally violent pogroms of unparalleled intensity and scale. As Tai Yong Tan and Gyanesh Kudaisya observe in a recent critical study on the aftermath of partition in South Asia (2000: 8):

8 Stateless in South Asia

Across national boundaries in South Asia the view is now widely shared that partition was an 'epic tragedy' that changed the destinies of people in the region. Increasingly, as the long-term consequences of partition are becoming manifest, the perception is gaining ground that partition was not just an event but a trigger for a series of reverberations, the tremors of which can still be felt in the region.

As a consequence of partition of the subcontinent, an estimated five and a half million Hindus and Sikhs had moved from western Punjab (Pakistan) to the Indian side and six million Muslims had similarly moved from eastern Punjab (India) to the Pakistani side (Talbot and Tatla 2006: 2). A new dimension was further added to this some 24 years later when an outburst of ethno-cultural contradictions in East Pakistan led to its dismemberment from Pakistan and the subsequent creation of Bangladesh in 1971. An estimated 10 million Bengalis had crossed over to India as refugees to escape Pakistani repression during 1970–71. In addition to these, several streams of refugees including Tibetans, the Chakmas from East Pakistan and later Bangladesh, Afghans, Mynmarese, Sri Lankan Tamils, Bhutanese, Chinese, etc., have sought and been granted refuge in India at different points of time.

The reason why reflection on partition has remained a dominant concern in the history of contemporary South Asia is that it continues to evoke the agonising imagery of refugees in much the same way as refugees stir up the painful memories of partition. Had independence come about without the fateful partition of colonial India, millions of people would have been spared the humiliating experience of undergoing loss of self-esteem and a wretched sense of uprootedness and hopelessness. There would have been no refugees and, without them, no bloodshed. One may as well wonder if there is any point raking up a past historical event that cannot be reversed or undone. After all, people have moved on in their lives, albeit some with greater ease than others. It is precisely because of such thinking that there is perhaps a need to pause and ask the inevitable question—Has everyone indeed moved on? For, there are some who, no matter how hard they try, cannot leave their past behind. It is perhaps because of the permanence of partition in the lives of these people that its painful memories, so deeply etched in their minds, simply refuse to fade away. Talbot's most recent study of the victims of partition by following the framework of oral narratives brings out this aspect of the problem rather forcefully. As he notes:

The differential experience of migration and resettlement which is emerging from oral history is poignantly attested to by Mohan Singh's story. The fallacy in viewing Partition as an event of August 1947 rather than as part of a longer-time historical process is illustrated by his and other accounts of refugees who took years to put their lives back together again. Mohan Singh himself did not finally resettle in Amritsar until 1960. The accounts also reveal that the permanence of the break in August 1947 should not be read back from today. (Talbot and Tatla 2006: 15)

Both at the level of popular discourse and serious social science research, the stories of partition have been told and retold several times over. The accumulation of a huge repository of rich scholarship and popular writing over the years thus comes as no surprise given the centrality of the event in the lives of the affected people (Bhalla 1994; Butalia 1998; Chatterji 1999; Hazarika 2000; Pandey 2001; Samaddar 1997, 1999; Schendel 2005; Settari and Gupta 2002; Talbot and Tatla 2006; Tan and Kudaisya 2000). These are only suggestive of some of the most recent work on partition, and are in no way exhaustive. In such circumstances, no one singular account of partition can ever claim itself as *the* privileged or authentic one. Alternatively, the existing historiography of partition is by no means all-comprehensive so as to not require any retelling, even though the multiple voices emanating from the already recorded numerous narratives do indeed illuminate and enrich our understandings of the catastrophic consequences of partition on the various facets of life both during and in its aftermath. While the existing histories of partition do constitute a significant body of rich literature, there is still enough room for telling or retelling some of the stories, which have wittingly or unwittingly evaded the all-penetrating 'gaze' of the larger academic world.

The reason for this probably lies in the fact that the existing stories have by far remained largely 'Punjab-centred', recounting the plight of a select group of refugees like the Hindus, the Muslims and the Sikhs at the cost of other minority ethnic groups. Tan and Kudaisya (2000: 26) illustrate the Punjab-centric focus of partition studies by observing that even though the Bengali Hindu minorities far outnumbered their Punjabi counterparts while seeking refuge in India, this fact is rarely recognised in the existing historiography. Although it is not difficult to appreciate the reason behind such a solipsistic slant given the enormity of the tragedy befalling these people in the immediate aftermath of partition, the fact remains that the popular representation of its impact on Punjab border

has disproportionately dominated the existing historiography of partition. What of course lends credence to such lopsided representation of the partition history is the sheer scale of population exchange, which was accompanied by unprecedented human misery, making it one of the largest and most tragic international flows of people across time and space. As noted by Talbot and Tatla (2006: 2), 'Partition's migrations were accompanied by communal massacres that possessed the elements of genocidal violence. Estimates of the death toll range from 200,000 to 1,000,000, although the exact figure will never be known. One hundred thousand women were kidnapped in the upheavals on both sides of the border.' Our purpose here, however, is not to affirm or negate the extent of damage, both human and material, or even to contest the authenticity of the existing historiography, but to simply recover some of the 'silences' hidden in the hitherto unheard stories of partition-affected refugees, which can be equally illuminating in making sense of partition.

THE PARADOX OF PARTITION

The underlying objectives of partition have woefully remained unfulfilled even after more than six decades. Far from assuaging the fears and anxieties of minority religious groups like the Hindus, Muslims and the Sikhs—apparently the main objective behind partition—of their future in a Hindu or a Muslim-dominant state, the creation of two seemingly homogenous nation-states ended up intensifying and sharpening the minority–majority divide further. As a matter of fact, doubts and fears about their future in the new nation-states were expressed by numerous minority communities, right from the time when 'feverish preparations' were underway to celebrate the transfer-of-power. 'There were ordinary people in Punjab and Bengal—Hindus, Muslims, Sikhs, Christians, Buddhists—who were extremely concerned about what their place would be as "minorities" in the new nation-states. They were worried about the safety of their lives and property, their right of residence in the new dominions and their status as citizens' (Tan and Kudaisya 2000: 39).

Over the years, a host of other minority ethnic identities have come to look upon themselves within the same binary framework, since the two newly-born nation-states of India and Pakistan never delineated any communal space for them, as they did in the case of the Hindus, Muslims and the Sikhs. Far from abating the fear of minoritism, the

politics of partition eventually ended up intensifying the minority complex amongst other ethnic groups in the two states. Instead, the idea of minority–majority divide henceforth got consolidated and institutionalised as a standardised practice in both the nation-states. As a recent study on the aftermath of partition in South Asia perceptibly notes:

... the story did not end [in 1947]. Partition did not provide a 'solution' to the 'communal problem' which many had hoped for: rather the problems of the 'minorities' were exacerbated. Their persecution continued, as shown by the demographic movements across the borders which continued till the 1960s, particularly in the Bengal region. Refugees whose numbers in the final count are estimated to be over 18 millions struggled to resettle themselves and the energies of at least two generations were expended in rebuilding lives shattered by the violent uprooting caused by partition. The regional tensions and cross-border conflicts which partition engendered continue to take their toll in human and economic terms. Partition continues to leave its imprint on aspects of everyday life in the subcontinent. In a sense, [sixty] years on, the story of partition is still unfolding. (Tan and Kudaisya 2000: 8)

The recurrent manifestation of such tensions and conflicts in the post-colonial period thus came to symbolise deep cracks in the fault lines of partition. The most illustrative example of such seething discontent in the otherwise seemingly homogenous nation-state of Pakistan was the dismemberment of its eastern wing in 1971. Religion on its own had clearly failed to work as a unifying force, as all kinds of other contradictions based on language, culture, ethnicity and civilisation assumed preponderance in East Pakistan's struggle to liberate itself from the oppressive control of the Pakistani nation-state. The birth of Bangladesh as an independent nation-state thus not only exposed the myth of the two-nation theory, but also demonstrated the futility of the very rationale of partition. Also, the intermittent recurrence of communal violence between Hindus and Muslims, the 1984 Sikh riots and a series of ethnic conflicts in post-colonial India fail to explain the logic of bloodstained partition.

Little wonder then that recent years have witnessed a rapid growth in the literature on partition suggesting its continuing significance in the lives of those affected by it. However, most of these invariably focus on those aspects of partition, which happen to be overresearched, ignoring in the process its impact on the lives of those whose plight is rarely highlighted, while they continue to suffer in silence. Butalia's remarkable work breaks

12 Stateless in South Asia

new grounds even in this genre of partition scholarship because she approaches her study from the vantage points of those victims—women, children and Dalits—whose personal accounts of their sufferings had never been represented before. Moreover, her entire approach is guided by a deeper concern for capturing the human consequences of this tragic event and much less with presenting a political history of the event. As she notes:

[Partition's] deep personal meanings, its profound sense of rupture, the differences it engendered or strengthened, still lived on in so many people's lives. I began to realize that Partition was surely more than just a political divide, or a division of properties, of assets and liabilities. It was also, to use a phrase that survivors use repeatedly, a 'division of hearts'. (Butalia 1998: 8)

Another problem frequently encountered by researchers working on partition or partition-affected refugees is the near total absence of literature on the impact of partition on the borderlanders of Bengal and Assam. A most recent and pathbreaking work in this no man's land by Willem van Schendel, however, does hugely fill this void. Schendel maps out an hitherto unnavigated terrain in partition studies by undertaking an in-depth analysis of the 'territorial and human consequences of a border' on the lives of those living in Bengal Borderland comprising the border separating India, East Pakistan (Bangladesh from 1971) and Burma (Schendel 2005). A few other notable exceptions in this new area of research are contributions by Joya Chatterji (1999), Ranabir Samaddar (1999), Sanjoy Hazarika (2000) and Tai Yong Tan and Gyanesh Kudaisya (2000). However, even these palpably more sensitive studies on the impact of partition of Bengal on borderlanders miss out on some of the stories of partition refugees or partition-affected refugees. This is not to suggest that such omissions in any way undermine the unique contributions of each of these works in their own respective areas of research, but to simply make the point that even these studies are not exhaustive, leaving enough scope for others to pitch in and come out with newer findings on hitherto untouched aspects of partition.

One such story is that of the ethnic Buddhist Chakma refugees from East Pakistan (Bangladesh since 1971)—the central concern of this book. The plight of these stateless Chakma refugees in the absence of any formal political recognition of their status is clearly illustrative of the

contradictions that typically beset the postcolonial modern 'nation-states' in South Asia. This is more than evident from the extent of arbitrariness witnessed in the course of partition of the Indian subcontinent more than 60 years ago, which continues to so powerfully impact current politics in the region.

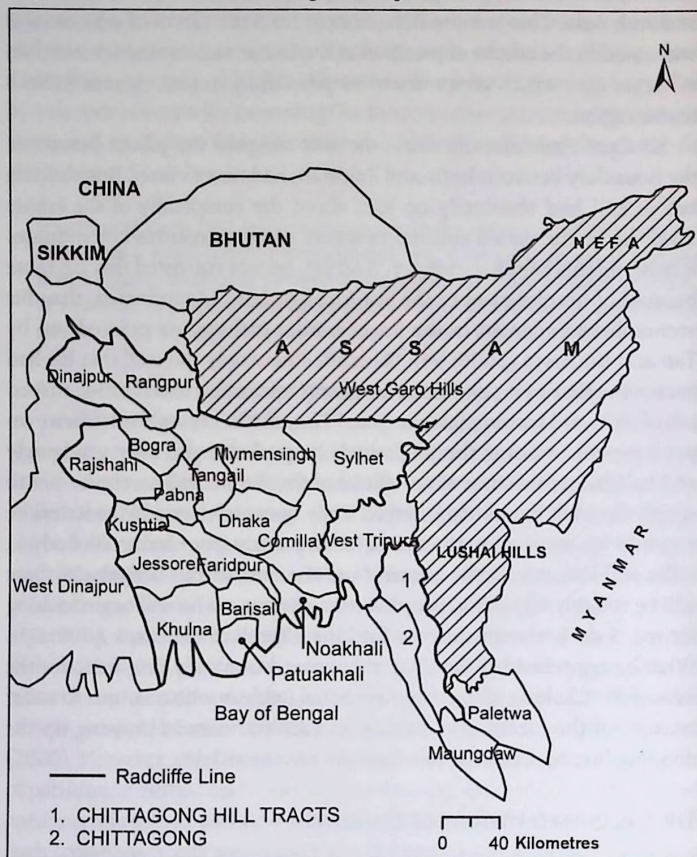
Sir Cyril Radcliffe, the man who was assigned the job to demarcate the boundary between India and Pakistan, had never visited British India before and had absolutely no idea about the complexity of the ethnic make-up or the varied cultural practices of the numerous communities inhabiting this colonial territory. And yet, he was entrusted this job more because of his closeness to the last Viceroy, Lord Mountbatten, than his accomplished acumen in the art of border-making. As pointed out by Tan and Kudaisya (2000: 94): 'Radcliffe knew only too well that his had been a butcher's job, and not a surgeon's operation, and that his rushed job of an award would please no one.' They further reveal Radcliffe's own predicament in doing the job, which he probably did only grudgingly and half-heartedly since as an official of the Raj he had no choice but to simply do what he was expected to. They quote from one of the letters he wrote to his stepson on the eve of his departure from India: 'Nobody in India will love me for the award about the Punjab and Bengal and there will be roughly 80 million people with a grievance who will begin looking for me. I do not want them to find me' (Tan and Kudaisya 2000: 94). What he apprehended then has only proved ironically prophetic for the lives of the Chakma refugees in Arunachal Pradesh who continue to suffer because of the extent of absurdity and arbitrariness in drawing up the dividing line between the two 'nations' (see Map 1.1).

THE CHEQUERED HISTORY OF CHAKMAS

Rarely has there been an instance of social and political exclusion in the history of modern South Asia when a group of people has been so consistently denied the opportunity to exercise one of their most basic and universally recognised fundamental human rights, that is, the right to self-determination. When the Chakmas expressed their desire to become Indian citizens in 1947, they instead found themselves as Pakistani nationals in complete defiance of the very logic of partition of the subcontinent. Furthermore, while the emergence of Bangladesh as an independent sovereign state in 1971 did renew their hopes of fulfilling their

14 Stateless in South Asia

Map 1.1 The Radcliffe Line in Bengal and Adjacent Districts



Source: Courtesy Sunil Kumar Jangra, GIS professional, Chandigarh.
(This map is not to scale and does not depict authentic boundaries.)

political aspirations, they soon discovered that there was no autonomous politico-cultural space for them in what was an overwhelmingly Muslim-dominant society.

Mujibur Rahman's rejection of Chakmas' autonomy plea on the basis of their ethnicity was, if anything, an early indication of aggressive Bengali nationalism that they were to witness in its myriad forms in future.

What followed was a protracted struggle for the right to self-determination, albeit in its limited sense of autonomy within the state, by the ethnic minorities under the banner of Parbattya Chattogram Jana Sanghati Samiti (PCJSS) and Shanti Bahini. The Bangladeshi state, much like the centralised Pakistani state before it, resorted to the all too common approach of suppression and oppression of dissent in its pursuit to homogenise and assimilate the ethnic minorities within the larger *Bengaliised* nationalist frame. It may be significant to note in this context that while the Bangladeshi state went overboard in coercing its national ethnic minorities in the CHT into submission, it has never actually owned the Chakmas who took refuge in India in 1964 on the ground that Bangladesh could not be held responsible for the doings of its predecessor, that is East Pakistan, as it came into existence only at a much later stage after Chakmas' actual exodus to India.

This has put the Chakmas in a peculiar situation, as the very source of their citizenship (East Pakistan) has long ceased to exist, and the new inheritor state of Bangladesh has in effect derecognised them by not even acknowledging them as its own people in its Constitution. Much to their woes, the Indian state's reassurances to duly grant them citizenship over the last four and a half decades has meant little to them, while they continue to remain outside the purview of protection of any national state. What is even more puzzling is the fact that they were resettled in a region of India which happens to enjoy an unique status under the Indian federal arrangement where even Indian citizens cannot move about freely owing to specific restrictions on outsiders right since the colonial period. Arunachal Pradesh, which was then known as NEFA (North Eastern Frontier Agency) and was centrally administered, continues to be in the throes of a raging controversy because of some of the specific laws governing the state which debars even *bona fide* Indian citizens to move into the state without fulfilling certain formalities like obtaining prior permission (for example, the Inner Line Permit) of the state government under the Bengal Eastern Frontier Regulation Act of 1873.

The genesis of the problem in its present form goes back to 1964 when the completion of Kaptai hydroelectric dam over the Karnafuli river in the CHT, sponsored by the United State Agency for International Development (USAID), inundated 40 per cent (54,000 acres) of prime cultivable land of the indigenous inhabitants displacing and turning approximately 100,000 people, almost one-sixth of the population, into 'developmental

or environmental refugees' (Arens 1997: 49; Bose 1997: 49; Hazarika 2009: 3; Perera 1999: 20). Constituting about 90 per cent of the total affected people, the Chakmas were the largest indigenous ethnic group to be displaced, who subsequently came to be known as 'Kaptai oustees' or 'developmental refugees'. Even though the extent and magnitude of displacement caused by this 'developmental' endeavour clearly makes it one of the earliest examples of mass displacement in South Asia, precious little is known about the varied dimensions of the problem.

'Not only were [the Chakmas] not consulted about the dam they were [also] not compensated either financially or with other land' leaving them with no option, but to cross over into India, for 'there was no other obvious land to offer to these sedentary rice-growing farmers; only a vastly oversubscribed residual forest area where jhuming [shifting cultivation] was proving unsustainable' (Levene 1999: 350). What is more, the issue of 'Kaptai oustees' has also not been able to attract the kind of attention, both popular and scholarly, which is generally accorded to such people today. The issue of 'Kaptai oustees' does not even find a mention in the current debate on development and displacement. Moreover, other issues relating to the flight and consequent plight of the Chakmas have also remained largely unattended. For example, the existing literature on the flight of the Chakmas over-emphasise the fact of 'environmental' or 'developmental' factors to such an extent that all other factors are either underplayed or discounted as redundant or not worth taking into account. The resultant understanding of the causes of the flight of the Chakmas is thus not only skewed, but also suffers from certain amount of ambiguity and obscurity as no serious attempt has been made to highlight the political dimensions of their involuntary displacement, which were no less responsible than the environmental or developmental aspects in forcing them to seek refuge in India. This issue is taken up at greater length in Chapter 6 that deals with Chakmas' self-perceptions.

Coming from the CHT of what was then East Pakistan, some 40,000 Chakmas had taken asylum and were settled by India in the NEFA during 1964–69. Since then a lot has changed. East Pakistan became the sovereign state of Bangladesh in 1971. The NEFA was first accorded the status of a Union Territory in 1972 and was renamed Arunachal Pradesh. In 1987, it was accorded the status of a full provincial state within the Indian Union. Meanwhile, the Chakma population has grown to an estimated 65,000.

They have remained stateless for more than four decades of their stay in India. The Indian state has chosen not to fulfill its constitutional commitment, despite a recent Supreme Court verdict in favour of granting them citizenship status. Having lived in their new place of settlement for more than four decades, with a sizeable number born and brought up here, Chakmas have no desire to be repatriated, and hence they demand Indian citizenship and all attendant rights. The response of the indigenous peoples, on the other hand, has been one of alarm and protest at such a prospect. Arunachalis fear that they stand to lose land as well as employment; that political power will shift out of their hands, and they might even be reduced to a minority in their own land, living under the hegemony of those whom they clearly see as foreigners.

FROM 'REJECTED PEOPLES' TO 'UNWANTED MIGRANTS'

Without going into the details of the flight of the Chakmas, which is taken up in one of the chapters of this book, it would suffice to mention here that the dominant understanding of the causes of their flight is far from comprehensive. Most writing, both official and scholarly, portray these Chakmas as mainly 'environmental refugees' or 'developmental refugees'. In sharp contrast to such a view, this study demonstrates that environmental factors at best only partly explain the flight of the Chakmas from the CHT. As Chapter 6 discusses in greater detail, the Chakma refugees who have now become 'unwanted migrants' in Arunachal Pradesh took refuge in India because they were treated as 'rejected peoples' back home.

Writing in the broader context of South Asia, Weiner classifies population flows into three major categories: rejected peoples, political refugees from repressive regimes and unwanted migrants (Weiner 1993: 1737–46). He analyses 12 major trans-border population movements in South Asia starting with the 1947 partition refugees. Though his classification appears exhaustive in terms of its range and scope, Chakmas are strangely absent even though they took refuge in 1964. However, we try to show in this study that the Chakma refugees fit squarely into at least two of these categories. Before they sought refuge in India, they were treated as rejected peoples by the then Pakistani regime in precisely the same terms Weiner defines them (D.K. Singh 2001a). 'Rejected peoples' are defined as '[c]itizens or legal residents of a country forced to leave as a result of persecution, violence, or threats to their lives

or property and whose departure is sought by their governments or those among whom they live' (Weiner 1993: 1737). As will be shown at greater length in Chapter 6, Chakmas' departure from the CHT was engineered by the then Pakistani rulers on ethno-religious grounds. Weiner further maintains that in several countries of South Asia, 'rejected peoples are often dumped upon a neighbouring country in the expectation that they will be accepted because they share the ethnicity of groups within the receiving country'.

Weiner includes in the category of 'political refugees' those who are forced to leave their homeland as a result of a civil war, while 'unwanted migrants' are defined as 'people crossing an international boundary, legally or illegally, who are unwelcome and often asked or forced to leave.' That the Chakmas fit into Weiner's category of unwanted migrants is borne out, on the one hand, by the fact that they have of late become a bone of contention between the governments in the centre and the state, and, on the other, by the accompanying fact that the indigenous peoples deeply resent their continuing presence. The issue of Chakmas' unwantedness in Arunachal Pradesh is explored at length in Chapter 7 where we seek to identify some of the issues from the perspective of the indigenous peoples. We do so by trying to locate their social and political responses within the framework of indigenous resistance to incursions by outsiders, which is widely prevalent in Northeast India.

The need to identify Chakma refugees within the analytical framework formulated by Weiner arises mainly because of three reasons. One, there is a growing realisation among students of refugee studies that the term 'refugee' cannot be treated as a generic category, for it has different connotations in different contexts (Zolberg et al. 1989: vii). Two, there is a general consensus among scholars that '... different types of social conflicts give rise to different types of refugee flows. The patterns of conflict are themselves related to more general economic and political conditions, prevailing not only in the countries from which the refugees originate, but also in the world at large' (Ibid.: vi). Finally, and perhaps most importantly, we believe that treating them as merely environmental refugees or development victims indicates a seriously flawed conceptual position that needs to be rectified.

DEFYING STEREOTYPES

Dominant portrayal of the images of refugees by both government and non-government aid agencies depict them as people devoid of any ability to rebuild their lives, reducing them thus to helpless creatures or as Mamdani (1973) puts it, to the status of 'totally malleable creature[s]'. Expressing his reluctance in using the term 'refugee' without hesitation, he poignantly brings out the predicament of refugees who are seen in the dominant stereotypes as people who are stuck in the vicious circle of what is called 'dependency syndrome' in the field of refugee studies:

Contrary to what I believed in Uganda, a refugee is not just a person who has been displaced and has lost all or most of his possessions. A refugee is in fact more akin to a child: helpless, devoid of initiative, somebody on whom any kind of charity can be practiced, in short, a totally malleable creature. (Mamdani 1973: 8)

In such dominant stereotypes, a 'refugee' is essentialised as an 'object' of philanthropy (Harrell-Bond 1999: 136–68). Robin Needham (1994: 17) captures the overall plight of refugees rather powerfully:

Refugees are treated as statistics and numbers. The operation of working with them is regarded as a logistical exercise. Refugees are recipients for objects and items. Successful progress in a refugee operation is measured in terms of x houses built, y tons of food provided, z patients treated. There is little consideration of social factors or refugee values because the whole basis of so many refugee relief efforts rests on objects, not on people; on what is available, not on what is needed.

Physically dislocated from the source of citizenship and materially dispossessed, such stereotypes further add to the woes of a refugee who is looked upon as lacking self-esteem, and always up to grab the first opportunity to 'manipulate' donors for freebies. While Harrell-Bond (1999: 149) does recognise that aid agencies may:

... vary in the degree of dignity with which they transmit images of refugees, but all rely on funding from a public which responds to media portrayal of extreme human suffering, starvation and helplessness. Pictures depict refugees in postures of submission, despair and utter destitution.

Presenting a critique of the '[o]fficial discourse' of refugees and emphasising the need to contest it at the same time, Chimni (2005: 310) observes, '... refugees are officially portrayed as parasites who lack autonomy and agency. "Official discourse" also tends to present the idea of giving relief to refugees as charity rather than as a legitimate right of refugees.'

In sharp contrast, the stateless Chakmas in Arunachal defy such stereotypical portrayal of refugees, as they are not dependent on any external aid agency for their survival. Unlike conventional refugees, these Chakmas do not live in desolate refugee camps waiting for the official or humanitarian dole to arrive. They live in their own 'homes' albeit with the tag of a refugee. Although the end to their refugeehood is nowhere in sight, they have long refused to live like refugees. As was evident during the course of the fieldwork, none amongst the younger generation, all of whom were born in India, was willing to consider himself/herself a refugee. Organically detached from their ancestor's homeland, they quite legitimately look upon themselves as Indians with absolutely no intent whatsoever to return to a place they do not identify themselves with. They are thus clearly stupefied by the territorialised logic of the modern nation-state since they cannot make sense of the political boundaries that circumscribe their mobility and define their identity.

Apart from the initial assistance extended to them by the Indian government during the course of their settlement in 1964–69, they have not received aid or assistance of any kind. Most facilities extended to them in the form of ration card, access to government schools and health centres, and even employment in central government institutions which they continued to enjoy till recently were withdrawn in the late 1980s after Arunachal Pradesh attained statehood in 1987. Despite heavy odds, they have, over the years, managed to put their lives back together again. The land which was originally allotted to each Chakma family (5 acre according to the official record) at the time of their settlement continues to form the mainstay of their living. Most of them are small farmers who, in addition to cultivating basic crops like wheat and rice, grow cash crops like vegetables to help them earn that extra rupee to take care of different kinds of requirements. Though there are some who have branched out to areas like trading, their primary means of livelihood remains agriculture. Even amongst those who can at best qualify as petty traders or small shopkeepers, their activities are largely confined to the Chakma-dominant

Diyun Circle, a sub-division of the Changlang District. Moreover, they primarily cater to the needs of their own community members by serving as a line of constant supply of provisions for daily needs.

However, this is not to suggest that their experiences as refugees are any less traumatising or painful, but to simply make the point that the trajectory of their refugeehood is radically different from the dominant, stereotypical projection of refugees. The spectre of ontological insecurity that they continuously confront in their everyday lived experiences haunts them no less than other groups of refugees. What distinguishes them, however, from other groups of refugees is their unique history of uprootedness accompanied by their prolonged state of statelessness even though they have legitimate claims to Indian citizenship. As the book unfolds itself gradually, the story of their plight as residues of partition inevitably brings to fore the cracks in the fault lines of postcolonial modern nation-states in South Asia, denying them one of the most basic and fundamental human rights to determine their own future as a people. The plethora of existing literature on partition, as seen earlier, rarely, if at all, take stock of their peculiar (in)human condition.

The continuing dilemma of the Chakmas is perhaps best captured in one of the more sensitive definitions of refugees as provided by a couple of anthropologists, who justifiably claim their discipline to be far better equipped in capturing the nuances of refugees' complex predicament owing to a well established tradition of 'long-term and intimate ethnographic fieldwork'. In sharp contrast to the dominant political-judicial framework widely prevalent in other social sciences, their definition of a refugee perhaps comes closest to defining the plight of these hapless people who have never in their lifetime got an opportunity to experience the luxury of a sense of belongingness. The extent of uprootedness experienced by the Chakmas as stateless peoples is quintessentially captured in this definition which looks at refugees as people 'who have undergone a violent "rite" of separation and unless or until they are "incorporated" as citizens into their host state (or returned to their state of origin) find themselves in "transition" or in a state of "liminality"'. This "betwixt and between" status may not only be legal and psychological, but social and economic as well' (Harrell-Bond and E. Voutira 1992: 7). Ironically, what underpins the fact of their existential dilemma, as shown in this study, is that none of the above two options is actually available to the Chakmas living in Arunachal.

Mere grant of Indian citizenship will not lead to their fuller integration into the social fabric of Arunachali society, as the state enjoys a unique status under the Indian federal arrangement whereby even *bona fide* non-ethnic Indian citizens can not develop any permanent stake in the region. Moreover, the option of going back simply does not exist, as East Pakistan has long ceased to exist, and Bangladesh does not even acknowledge them as its own people, let alone getting them back to the CHT.

ORAL NARRATIVE FRAMEWORK

Oral narrative as a powerful intellectual tool to capture complex social-political reality has become increasingly popular among social scientists of diverse theoretical persuasions. As against the more empirically oriented positivist modes of collecting data widely prevalent in the realm of social sciences, oral narrative is much more open-ended in its approach. This is not to suggest that it is antithetical to scientific collection and arrangement or interpretation of data. Far from it, the oral narrative framework relies upon a systematic arrangement of data albeit without any obsession or a mad craze for 'scientism' as is often the case with positivism (Singer 1997). Cutting across disciplinary boundaries, scholars ranging from areas as diverse as peasant studies to communalism, from sustainable development to women's empowerment, have made use of the oral narrative framework to capture what is often called the other side of 'truth' or 'reality'.

As against the written sources available in different forms, reliance is placed in oral narrative framework on unwritten or oral sources like testimonies, popular memories, folk tales, mythologies and interviews. Not surprisingly, therefore, most of the studies based on oral narratives have been successful in coming out with startling revelations and alternative understandings of diverse and complex social-political phenomena (Agrawal 1999; Amin 1995; Baviskar 1995; Butalia 1998; Chowdhry 1994; Das 1990; Schendel 2005; Talbot and Tatla 2006).

The reason for the increasing popularity of this framework lies in its inherent potential to uncover areas about which precious little is known by way of conventional research. The framework has proved equally rewarding, however, in areas that happen to be *overresearched*. Butalia's path-breaking work on partition is just one example of how oral narrative framework can be highly rewarding in terms of unearthing new facts even in an area which happens to be *overresearched* (Butalia 1998).

Its ability to unearth what may be called the *underside* or *underrepresented* aspects of an event is what makes this framework particularly tempting for students who do not believe in the singularity of truth, but subscribe to plurality of truths embedded in what is called a 'polyvocal' text (Samaddar 1999: 211–12).

The reliance in this framework is on the insider's or native's perspective or what is called 'emic' perspective in ethnographic research. The emic perspective, that is the insider's or native's perspective of reality, happens to be at the heart of most ethnographic research. As observed by Fetterman (1989: 30): 'The insider's perception of reality is instrumental to understanding and accurately describing situations and behaviours. Native perceptions may not confirm to an "objective" reality, but they help the fieldworker understand why members of the social group do what they do.' Emic perspective thus impels us to recognise and accept multiple realities not because reality is always fractured or fragmented, but because no reality is ever incontestable or immutable. As Fetterman further observes: 'Documenting multiple perspectives of reality helps us to understand why people think and act in the different ways they do' (Ibid.: 31).

Critics of the oral narrative framework often argue that memories are unreliable because they are by nature changing, shifting, slippery and transient (Singer 1997: 1–32). This makes them doubt the authenticity of the findings based on oral narratives. Not that those who follow this framework are unaware of such a criticism, but they do not see it as an impediment which cannot be overcome. For example, Butalia (1998: 10) responds to such criticism by noting:

There has been considerable research to show that memory is not ever 'pure' or 'unmediated'. So much depends on who remembers, when, with whom, indeed to whom, and how. But to me, the way people choose to remember an event, a history, is at least as important as what one might call the 'facts' of that history, for after all, these latter are not self-evident givens; instead, they too are interpretations, as remembered or recorded by one individual or another.

Another ground on which the framework is frequently attacked is that interviewees tend to be highly selective in what they divulge to the interviewer, for the very structure of power relationship between the two is tilted in favour of the latter. Acutely conscious of the immediate political

context, the interviewees tend to *filter* their narratives before they are actually passed on to the researcher who in turn does the same while arranging and re-arranging the 'polyvocal' text in a manner which suits his/her immediate objective (Singer 1997: 7).

Whatever may be the limitations of oral narratives, it does offer a different perspective of looking at an event or history. Moreover, even conventional social science research is not totally unproblematic. Wittingly or unwittingly, various kinds of biases and prejudices enter its domain as well. Right from the selection of a problem to collection of data, to interpretation and drawing of conclusions, the subjectivity of the researcher does interfere with his/her work, for it is simply not possible to avoid it. There is nothing like a 'raincoat' approach in social science research. The underlying assumption of the concept of 'raincoat' approach in positivist social science research has been attacked by Srivastava (1991: 1409) who, while analysing the relationship between the 'self' and the 'other' in anthropological research, succinctly observes:

... the self immerses in the other with a raincoat; it may get wet at places, but is largely as dry as it was. Thus the other has been 'fully' seen; the self has remained 'unaffected', and from this strategy, it is believed that objectivity can come in analysis... if an investigator, newly wedded to participant observation, complains of the inbuilt paradox of the method, he is advised to 'minimise subjectivity and maximise objectivity', as if subjectivity and objectivity were items on the family budget.

The argument here is not that oral narratives should replace more conventional forms of writing history or doing social science research, but that an alternative framework can further enrich the existing understanding. Oral narrative framework is at least self-conscious that it is rooted in its subject matter—the people. Their perspective may, of course, be one-sided, but is a significant one nonetheless. The power of oral narratives then, perhaps, lies in the fact that it strives to situate the subject(s) of study at the centrestage of any enquiry as against the dominant positivist discourse where the subject often gets objectified in the quest for objectivity: the peasant gets left out when historians and sociologists, with back up from economists, study the agrarian system (Samaddar 1999).

The same is largely true of past and contemporary research in the area of migration and refugee studies. The focus has invariably been on studying the *processes* of migration or *impact* of refugee flows on the host country, and very little attention is paid to the migrants and refugees themselves. Part of the reason for this is that, more often than not, responses are shaped by stereotyped images of refugees as individuals devoid of will and resources to rebuild their lives as helpless creatures to be enumerated as mere statistics. In contrast to such pejorative portrayal, a 'rights-based approach' insists that their voices must be heard before any assistance and protection programme is undertaken. This can be done only by taking recourse to the oral narrative framework, for it alone can enable a researcher to reach out to and *recover* his/her subject.

The need for the adoption of such a framework has finally begun to be acknowledged in the area of migration and refugee studies. Realising that first-hand accounts of refugees' own journeys into exile and of their hopes and fears for the future are critical inputs in any endeavour to redress their grievances, the Geneva-based journal published by UNHCR, *Refugees*, devoted one of its issues wholly to capturing the voices of refugees from different countries (see special issue of *Refugees*, UNHCR 1998). This proved to be of considerable help in demolishing the myth perpetuated by stereotyped representations that all refugees face common problems and common solution can therefore be devised for all refugees cutting across geographical boundaries.

Oscar Handlin's *The Uprooted*, written in 1951, was one of the earliest exercises in writing this kind of history of immigration. This was a history of immigration narrated from the perspective of a first-generation newcomer. More recently, Samaddar has applied the framework of oral narrative in studying trans-border migration from Bangladesh to West Bengal. By grounding his framework in what is called 'subjective document'—the broad class of evidence based on autobiographies, life histories, letters, oral narratives, interviews and court records—he shows how 'the transborder flow of unwanted migrants and refugees marginalizes the nation—the nation they leave, the nation they enter' (Samaddar 1999: 13).

His preference for the oral narrative framework helped him, he believes, immensely not only in 'opening up the massive, still unwritten, biography of moving populations across the border in South Asia', but also enabled

him enormously in portraying the everyday life of the immigrants, and their daily negotiation with, and resistance to, the world of postcoloniality. Samaddar's choice for oral narratives is clearly determined by his belief in a 'rights-based approach' as against the 'reasons of state'. His focus is on studying the migrants and not merely the *processes* of migration. This helps him in taking the debate to an altogether different, migrant-centric plane, which makes it possible for him to transcend what constitutes the core of migration studies—the juridical–political framework of state sovereignty, territory and frontiers—and focus on the issue of immigrants' rights and justice (Samaddar 1999: 52–63, 211).

Drawing upon the above framework, while at the same time, being acutely conscious of its limitations, I seek to apply the same in the context of the present study with a view to exploring the Chakma issue in Arunachal Pradesh. However, unlike Samaddar and other studies which seek to capture the voices of only the migrants or refugees, I extend this framework a little further by also bringing in the actually hosting communities within its ambit. It helps in looking at the issue from the vantage points of both the principal parties.

All this is not to suggest, however, that official perceptions of the issue are not significant or do not deserve attention. On the contrary, the self-perceptions of the stateless Chakma people and the indigenous Arunachalis may not be of much practical use without exploring the perceptions of the various official parties to the issue—the governments of Bangladesh, India and the state government of Arunachal Pradesh. Only by juxtaposing the official perceptions with the self-perceptions of the two principal parties will it be possible for us to gain a holistic understanding of the problem without which no policy prescription can at all be suggested.

IN THE FIELD

Arunachal Pradesh poses unique challenges to any researcher working on the area and its people. One of these challenges is the physical inaccessibility owing to distances and poor transportation networks and isolation. There was no semblance of modern communication network linking different areas of the region when the Chinese suddenly intruded into the NEFA in 1962 and the Indian armed forces were caught napping. It took the Indian government a full-blown defeat to realise the importance of a well-laid communication network in a 'strategically' vital area.

However, the situation is far from satisfactory even after four decades of the complete debacle. Commuting between two places still poses an insurmountable challenge to the local people and travellers alike. The zeal exhibited by the Indian government to link all crucial locations with metal roads in the wake of the 1962 defeat did not last long. Even today one has to trek through thick jungles and deep valleys for days together to reach one's destination. In the specific areas of our study—the three districts of Papum Pare, Changlang and Lohit—we had to cover long distances in order to move from one village to another mostly on foot, at times on cycles, and in rare cases motor cycles, courtesy the villagers who were probably not as pessimistic as the researcher himself about the eventual outcome of this study.

It is in these three districts that the Chakmas were resettled during 1964–69, and they have lived there ever since. The indigenous interviewees were also largely selected from these districts in order to gain a comparative perspective on the issue. However, in order to ensure that the indigenous responses were representative of the entire state, interviewees were also carefully chosen from amongst those who hailed from other parts of the state, but were living in the capital city of Itanagar. Also, in the case of Chakmas, our fieldwork extended to New Delhi from where the Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP), the principal pressure group of the Chakmas, operates. Several Chakma student activists and leaders based in Delhi, who form the core of the CCRCAP, were interviewed.

Roughly divided into two equal halves, approximately 300 interviewees from amongst both the Chakma refugees and indigenous peoples were selected and interviewed, using stratified random sampling techniques. The indigenous Arunachalis were drawn from different walks of life like students and academics, political leaders and members of voluntary organisations, farmers and business communities. It was simply not possible for us to follow the same approach with respect to the Chakmas, for such social categories do not exist amongst them in the first place. They predominantly constitute an agrarian society with the exception of a small class of petty traders, which too is confined only to the Diyun Circle in Changlang district, where they distinctly constitute an overwhelming majority with only negligible presence of the ethnic indigenous peoples. Given this scenario, we had no option but to focus, by and large, on the

agricultural community. However, due care was taken to gauge generational gaps, if any. Interviewees were divided into two broad categories: the older generation in the age group of 35 and above which had come to the area during 1964–69, and the younger generation in the age group of 15 to 35, most of whom were born and brought up in India.

Admittedly, the sample suffers from a fundamental limitation. We could not incorporate women interviewees in equal numbers. The problem was much more pronounced in the case of Chakma women. Given the politically sensitive nature of the problem, women were generally discouraged from expressing their views. It is not that women do not enjoy any autonomy in the Chakma society, but that they are viewed by their male counterparts as generally lacking in political sagacity. The *Gaon Burrah* (village head) was yet another stumbling block in interviewing Chakma women interviewees. He commands such high respect among the people that without his prior permission, nobody is allowed to talk to strangers. Only a very small number of women were allowed to speak to the researcher. Nevertheless, whenever they spoke, they did speak fearlessly and spontaneously, often bringing in dimensions not touched upon at all by their male counterparts.

Given the broad thrust of the fieldwork, which revolves around oral narratives, data was gathered mainly by using the interview method. The interviews were recorded primarily in Hindi and Nefamese (the local version of Assamese spoken in Arunachal Pradesh, formerly NEFA) and later transcribed and translated. All quotations are from translations of original interviews.

A combination of semi-structured, informal and retrospective interviews was used for the purpose (Fetterman 1989: 47–62). Each of these types was chosen to serve a specific purpose. Semi-structured interviews proved enormously valuable in terms of comprehending the fundamentals of a community from the insider's perspective, for the questions flowed from the interviewee's perception of reality. Informal interviews helped in establishing a healthy rapport with the interviewees and in discovering how one person's perceptions compared with another's. Such comparisons helped greatly in identifying shared values both in the case of the Chakma and indigenous interviewees. Retrospective interviews proved particularly helpful in reconstructing the flight of Chakmas from their home. This was the only way to gather information about the political

dimension of their flight, which has virtually remained unattended in the existing literature. We were aware of the common criticism against this type of historical representation—that people tend to forget or *filter* past events, making the data thus collected dubious. While this criticism is probably partly justified, the use of such techniques is unavoidable in situations where no readily available sources exist.

Apart from using oral narratives generated from the field, this study also draws upon other kinds of primary and secondary sources such as government reports, human rights reports carried out by various independent and autonomous national and international human rights agencies, books and journals, newspapers, pamphlets and leaflets issued by student bodies, and the like.

NOTES

1. According to Benedict Anderson's well-known thesis, it was with the emergence of print-capitalism in the form of the newspaper and the novel that a people could make the transition from the face-to-face village community life to the process of collectively imagining an anonymous group of people spread across a geographical space with a common 'national' identity (Anderson 1983).
2. Ironically, Fanon's much acclaimed book *Black Skin White Masks* which was published in 1952 was originally a doctoral thesis which was rejected for the award of Doctorate. As a doctoral thesis, it was titled *Disalienation of the Black*. The book was translated into English in 1967.

CHT and NEFA: From Colonial Outposts to Postcolonial Peripheries

A comparative history of the two frontier regions—the CHT in Bangladesh (East Pakistan till 1971) from where the Chakmas came and NEFA (Arunachal Pradesh since 1972) where they were resettled after being granted refuge in India—reveals striking similarities between the two in terms of how the two frontier tracts have come to be ruled since the colonial times. While the trajectory of evolution of the two regions during much of the colonial period shows that these were purposely treated as outposts, in postcolonial dispensations the two regions have largely been accorded peripheral status under the dominance of the grand ‘nationalist’ project of ‘nationalizing frontier space’.¹

Under the colonial regime, both the CHT and NEFA supposedly enjoyed considerable ‘autonomy’ ostensibly conceded by the colonial rulers to help the people gain better administrative control over issues of everyday governance in their lives. The two regions came to be variously designated as ‘excluded’, ‘partially excluded’ and even ‘totally excluded areas’ in addition to several other ‘safeguards’ extended to the indigenous peoples inhabiting these regions in the areas of land ownership and customary rights. However, in sharp contrast to the dominant understanding that such colonial practices were primarily designed to allow the indigenous peoples (officially called tribes/scheduled tribes) the much needed cultural–political space to develop on their own, we try to argue instead that such measures were introduced much less out of any inherent benevolence towards these people, and more out of a realisation that

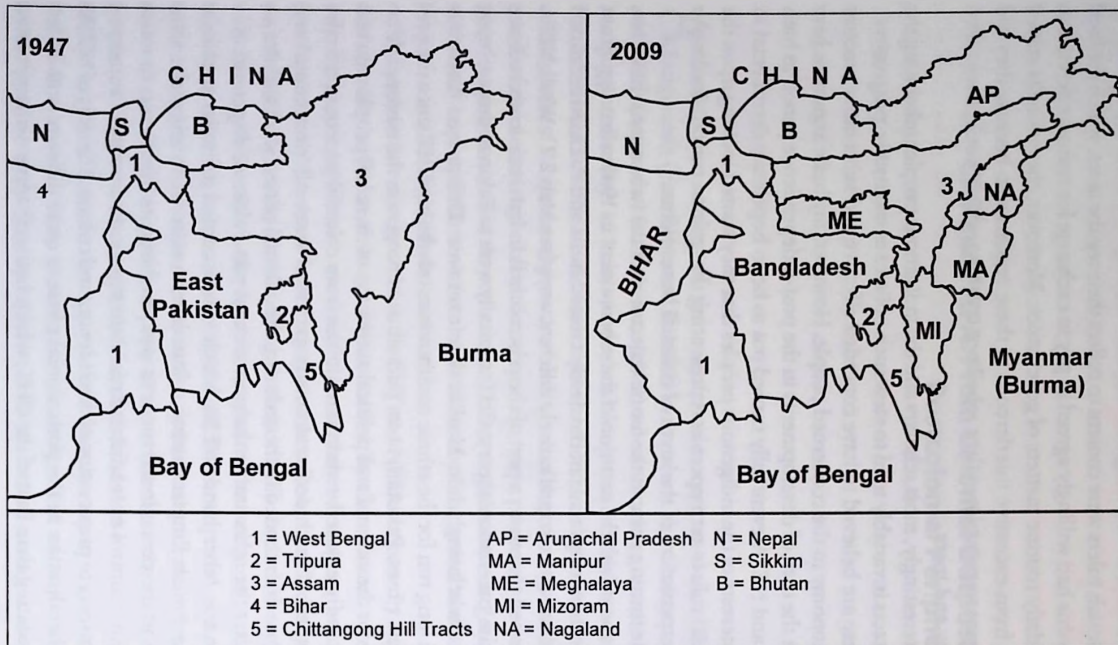
intervention in these regions was economically not a viable proposition. The British rulers were content to collect their regular taxes, which the local chieftains had willingly agreed to pay in exchange for non-interference in their daily routine matters of governance. Moreover, the colonists stayed away from excessive interference in these regions also because they did not want to provoke violent rebellion, crushing which would have taken money and men.

Interestingly, most scholars and the indigenous peoples inhabiting the two tracts invariably tend to view such policies as ostensibly 'progressive', as these are believed to have conceded effective and substantive amount of autonomy to the concerned people. However, my basic argument here is that the turn of developments in the post-independence period in both CHT and NEFA eventually turned out to be so hopelessly detrimental to the interests of the indigenous peoples that they started looking upon the colonial rule in retrospect as representing the 'golden period', leading to the perpetuation of the myth of colonial benevolence.

The turning point in the future trajectories of the two regions, however, came about with the partition of the subcontinent in 1947 when significant political developments in the newly created India and Pakistan redefined their new status in qualitatively different ways (see Map 2.1). While NEFA continued to remain a part of the postcolonial Indian state in accordance with the 'two-nation' theory, CHT ironically went to Pakistan despite being an overwhelmingly non-Muslim dominant area. This proved disastrous in the long run for the ethnic communities inhabiting CHT since the pre-colonial times. Pakistan, in its pursuit to homogenise the nation, left no space for the cultural and political autonomy of these hill people who had supposedly enjoyed certain immunities from colonial penetration under the rubric of 'excluded' and 'totally excluded area'. All 'protections' and 'safeguards' extended to them during the colonial period were withdrawn one after the other under the postcolonial pan-Pakistani dispensation.

On the other hand, NEFA which was accorded a similar treatment by the British Empire during colonialism continued to enjoy the same status in the postcolonial times as well, enabling its inhabitants to retain exclusive control over land and maintain significant amount of autonomy with respect to preservation of their identity and culture. The story of NEFA's peripheralisation in the postcolonial phase is quite different and far less intimidating than that of the CHT, which had to grapple with oppressive

Map 2.1 Administrative Units in East Pakistan (Bangladesh) and Northeastern States of India: 1947–2009



Source: Courtesy Sunil Kumar Jangra, GIS professional, Chandigarh.
(This map is not to scale and does not depict authentic boundaries.)

political regimes first as part of united Pakistan and then as a part of the unitarist Islamic Bangladeshi state. However, NEFA's honeymoon with the Nehru–Elwin philosophy of developing the frontier space in tune with the 'genius of the people' proved short-lived, as it came in for severe attack in the aftermath of the Chinese incursions into the region. I shall return to this theme later in the chapter.

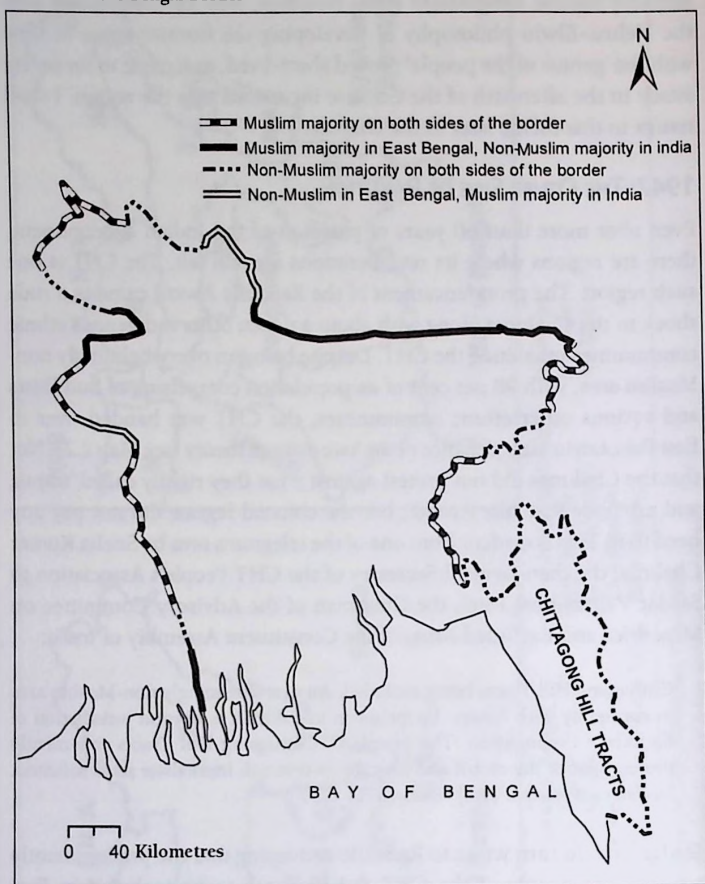
1947: THE OTHER SIDE OF PARTITION

Even after more than 60 years of partition of the Indian subcontinent, there are regions where its reverberations are still felt. The CHT is one such region. The pronouncement of the Radcliffe Award came as a rude shock to the Chakmas along with about a dozen other indigenous ethnic communities inhabiting the CHT. Despite being an overwhelmingly non-Muslim area, with 98 per cent of its population comprising of Buddhists and various other ethnic communities, the CHT was handed over to East Pakistan in clear defiance of the 'two-nation' theory (see Map 2.2). Not that the Chakmas did not protest against what they rightly called 'unjust and arbitrary Radcliffe Award', but the colonial regime did not pay any heed to it. This is evident from one of the telegrams sent by Sneha Kumar Chakma, the then General Secretary of the CHT People's Association to Sardar Vallabhbhai Patel, the Chairman of the Advisory Committee on Minorities and Excluded Areas of the Constituent Assembly of India:

Chittagong Hill Tracts being excluded. An overwhelmingly non-Muslim area in contiguity with Assam. Its inclusion in Pakistan is beyond jurisdiction of Boundary Commission. The people of Chittagong Hill Tracts vehemently protest against the award and pray for its reversal. Immediate steps solicited. Deputation started. [sic.] (Dass 1970: 179)

Sardar Patel in turn wrote to Radcliffe conveying that the predominantly non-Muslim people of the CHT did not wish to be included in East Bengal. Basing himself on the suggestion of the indigenous chieftains that a confederation be formed with the neighbouring states of Tripura, Cooch Behar and the Khasi States, Patel wrote further that the people of the CHT did not want to be included in any Bengal whatsoever, since the CHT '... adjoin; and form part of the Lushai Hills of Assam and ... communications exist between them' (Bhasin 1994: cxliv).

Map 2.2 Muslim Majority and Non-Muslim Majority Population on either Side of the Bengal Border



Source: Courtesy Sunil Kumar Jangra, GIS professional, Chandigarh.
(This map is not to scale and does not depict authentic boundaries.)

To lend further weight to the Chakma petition, Jawaharlal Nehru also wrote a letter dated 19 July 1947 to the Viceroy:

The population of these areas is predominantly Hindu (non-Muslim) and the chiefs of these areas also desire to be associated with the Union of India. These

areas are connected with the Tripura State in the north and various Excluded and Tribal areas attached to Assam.

I am writing this letter to you so that it might be made perfectly clear that no question affecting the Chittagong hill tracts arises for the consideration of the Boundary Commission. The chiefs of these areas are at present here in Delhi and I have assured them that no such question arises, and that these Chittagong hill tracts form part of the Indian Union. (Ibid.: cxliii)

Further, calling the Radcliffe Award 'monstrous', Sardar Patel, in his communication to Mountbatten dated 13 August 1947, had warned: '... if it [inclusion of CHT into East Bengal] should happen, [the Chakmas] would be justified in resisting to the utmost of their power and count on our maximum support in such resistance' (Dass 1970: 179).

However, repeated petitions submitted by the Indian National Congress leadership on behalf of the Chakmas fell on deaf ears. The Boundary Commission rejected the plea of the CHT People's Association on the ground that the CHT was inaccessible from India. Another flimsy ground, put forward as the official explanation as well, was of 'economic compulsions'. Defending Radcliffe Award, Mountbatten emphasised economic ties, which bound the Chittagong District and the Hill Tracts together. Endorsing Sir Fredrick Borrows' views on this issue, Mountbatten explained the inclusion of CHT in East Bengal in terms of economic compulsions by arguing that '...the whole economy of the Chittagong Hill Tracts would be upset if they were not left within East Bengal' (Bhasin 1994). Mountbatten was apparently more worried about the future of the Chittagong Port if there was unrestricted deforestation in the Chittagong Hill Tracts (Collins and Lapierre 1988). Moreover, the loss of Calcutta, as a consequence of partition, was compensated by giving Chittagong town to Pakistan (Mey 1984: 98).

Interestingly, even in the Indian Independence Act of 1947 the CHT was shown to be a part of India (Dass 1970: 174). Thus it may appear as nothing less than 'a quirk of history' that the CHT became a part of the newly created East Pakistan in 1947 (Behera 1996: 987). A more plausible explanation appears to be that the CHT was 'traded off' to Pakistan in lieu of the Muslim majority district of Ferozpur in Punjab, which came to India as part of the deal. As argued by Mahmud Ali (1993: 175-76): 'The partition should have left the largely Buddhist Chittagong Hill Tracts as a part of India, but its fate was decided by secret negotiations with the Sikhs about the partition of Punjab.' The fieldwork for this study also revealed that this explanation is widely shared by the Chakmas.

CHT: THE LAND AND THE PEOPLE

Comprising three districts—Rangamati, Khagracherri and Banderban—the CHT is geographically an isolated region of Bangladesh. With an area of 13,222 square kilometres, the hill tracts constitute about 10 per cent of the total territory of Bangladesh. Located in the south-east of the country, the region borders the Indian states of Tripura and Mizoram in the north and east, respectively. In the south and east, it is surrounded by Mynamar. According to the 1991 census, the total population of the CHT was 974,465. Of them 501,145 (51 per cent) were indigenous peoples and the rest 473,300 (49 per cent) were Bengali Muslim settlers from mainland Bangladesh. These figures did not include the 70,000 Chakma, also known as *Jumma*, refugees who were in Tripura during 1986–98. The sharp increase in the number of Bengali settlers into the CHT since 1971 was primarily because of an aggressive settlement policy on part of the Bangladeshi state.

With a population of about 350,000, the Buddhist Chakmas are numerically the most dominant community among a dozen ethnic minorities living in the CHT. This, perhaps, explains the greater visibility of their plight as well. The Chakmas differ from the mainstream Bengali population in three important respects: they are of Sino-Tibetan descent, their languages are more akin to those spoken by their neighbours in the Northeast India and Myanmar than to Bengali and they are predominantly Buddhists (Weiner 1993).

Other minority communities are the Marma, Tripura Tanchangya, Mro, Lushai, Khumai, Chak, Khyang Bawn, Pankhua, Hajong and Reng indigenous peoples (Ahsan and Chakma 1989: 960–61; Bhaumik et al. 1997; Islam 1981: 1214–15; Weiner 1993: 1740). Of late, this diversity is sought to be played down by the articulate leadership of the CHT, which wishes to underscore their distinctiveness from the mainland majority Bengali population. In a bid to invent or construct a new overarching collective self-identity, they call themselves *Jummas*. Schendel demonstrates how this unity has been constructed around the term *Jumma* as a new collective self-designating term for the inhabitants of the CHT who frequently invoke the concept of *Jumma* people or *Jumma* nation in relation to the dominant Bengali nationalism (Schendel 1995: 121). The name *Jumma* is derived from the term 'Jhum', which stands for slash-and-burn style of shifting cultivation, traditionally practised on

steep hill slopes as a form of subsistence agriculture as different from wet-rice cultivation practised in the plains.

The attempt to construct a common identity appears very much in line with the concept of 'imagined communities' (Anderson 1983). Levene points out the prevalence of a rather long history of animosity and hostility among these ethnic communities until very recently, just prior to the invention of *Jumma* nationhood. This was openly aired in the Parliament in the early 1970s by Manobendra Larma, the first Member of Parliament from CHT, when he declared: 'I am a Chakma. A Marma can never be a Chakma. Chakma can never be a Muroi and Chakma can never be a Bengali' (Levene 1999: 358). Yet within less than a decade '... a history of disparate, fragmented and often warring tribal or sub-tribal loyalties had been reshaped through the idea of being a jumma ... into one not only of shared victimhood but of common historical identity' (Ibid.). This was, Levene argues, 'not only a repudiation of the state's equally 'imagined' notion of a homogenous Bengali or Bangladeshi people but offer[ed] an alternative unitary formula in its stead' (Ibid.).

While the formulation of the theory of a possible emergence of a *Jumma* nationhood vis-à-vis the dominant Bengali Muslims by Schendel and Levene could be true in the context of CHT, there is no evidence at all to suggest that such an idea of a nation is shared by them with its diasporic Chakma communities in different states of Northeast India. As we shall see in Chapter 4, both in the context of Mizoram and Arunachal, the Chakmas hardly identify themselves with their ancestors. Not even the stateless Chakmas of Arunachal, let alone the Indian Chakmas of Mizoram, ever express any desire to identify themselves with the CHT or show any willingness to go back to their roots.

EARLY HISTORY

The political map of CHT has been redrawn several times over as a result of frequent annexation of the region by different rulers (Ahsan and Chakma 1989: 959–70; Behera 1996: 985–1005; Bhaumik et al. 1997; Chakma and Chakma 1994: 21–23; Islam 1981: 1211–22; Levene 1999: 339–68; Sankaran 1998: 26–62; Talukdar 1988). The annexation of the region by the Mughals in 1666, for example, preceded a fierce struggle among the Arakan, Tripura and Muslim Nawabs of Bengal. The Mughals could annex the CHT only after a protracted war with the hills people.

The hills people gradually realised that regular payment of a tax, levied on trade between the Chittagong hills and plains, was a better choice than perpetual warfare (Behera 1996: 986). In return, Chakmas' willingness to pay a regular trade tax to the Mughal court ensured them local autonomy. The Mughals were not interested in complete subjugation of the CHT either, as they were in the case of the plains. With little interference from the Mughals in the daily affairs of the hills people, the relationship remained principally commercial. Nonetheless, this arrangement brought about significant changes in the socio-economic lives of the people. The institution of private property, which was hitherto unknown to these people, got introduced in the process during this period.

The British too had difficulties extending their control into the CHT. The East India Company could annex the region only in 1785 after a protracted guerrilla war that lasted almost 25 years. Before the advent of the British, the indigenous peoples enjoyed considerable autonomy, as each ethnic group constituted a self-sufficient economic unit as well as self-administered political unit, with inter-ethnic relationships being regulated by customary norms and traditions (Ahsan and Chakma 1989: 959–60). Even the British initially did not show much interest in governance, and except for revenue collection, left it largely to the hills people themselves. It was only in 1860 that the CHT was brought fully within the ambit of the British Empire. Thereafter, it was made a district and administered separately from Assam and East Bengal. The British introduced several administrative changes over the years apparently to protect the political and economic interests of the indigenous peoples of the CHT (Ahsan and Chakma 1989; Chakma and Chakma 1994). The Chittagong Hill Tracts Frontier Police Regulations of 1881, for example, aimed at raising a police force of local constables under the British officers. Other administrative staff were also recruited from the native population. The local ethnic chiefs were given the autonomy to collect revenues and dispense justice as per their prevailing traditions, customs and norms. The British saw to it that no interference in customary norms ever took place. The British also simplified the judicial procedure so that the people could have easy access to it without having to incur much financial burden (Ahsan and Chakma 1989: 962). However, the most important reform was the Chittagong Hill Tracts Regulation of 1900, more popularly known as the *CHT Manual*. This regulation divided the Chittagong district into three

circles: the Chakma, the Bohmong and the Mong. Each circle was placed under the jurisdiction of a local chief who was responsible for collecting revenues and managing internal affairs. Rule 52 of the Regulations prohibited the settlement of outsiders in the CHT and the transfer of land to non-indigenous people:

Save as hereinafter provided, no person other than a Chakma, Mogh or a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lushai Hills, the Arakan Hill Tracts, or the State of Tripura shall enter or reside within the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner at his discretion. (The Chittagong Hill Tracts Regulation, 1900)

Whenever a request for issuance of such a permit came to the Deputy Commissioner, he would seek recommendations from the local headman as well as the local chief before doing the needful. The regulation also separated the CHT from the rest of the province of Bengal and Assam empowering the British administrator to run the district as he felt appropriate. This regulation was, however, amended in 1920. A new administration was formed under the Chittagong Hill Tracts (amendment) Regulation which declared the district as an 'excluded area' independent of general administration. In 1935, the Government of India Act declared it as a 'totally excluded area'. Administrators from the plains and political leaders from Bengal were thus prevented from trying to influence or control the area.

In the following section of this chapter, we try to argue that the British rule had initiated these steps purely with a view to serving their own interests rather than helping the various ethnic communities. As we shall see, the post-independence developments turned out to be so dreadfully detrimental to the interests of these communities that the British rule in hindsight appeared as representing a 'golden' period.

POST-1947 CHT: A PAINFUL TRANSITION

From a relatively economically self-sufficient and politically semi-autonomous region under colonialism, the CHT was turned into a peripheral region by the newly created postcolonial state of Pakistan. Successive regimes, both Pakistani and Bangladeshi, have ruthlessly exploited its abundant natural resources and subjected its ethnic minorities

to systematic persecution and annihilation (Amnesty International 1986; Anti-Slavery Society 1984; CHT Commission 1991, 1994, 1997; Minority Rights Group Urgent Issues Paper 1996; Survival International 1983). Over the years, the nature and extent of Chakmas' sufferings have progressively worsened with massive human rights violations and systematic destruction of their whole way of life both in their native CHT and in various points of their diaspora in Northeast India. We confine ourselves here, however, to a discussion of their plight in their traditional home in the CHT, while the displacement narratives of the diasporic population in different Northeast Indian States are dealt with separately in one of the later chapters.

CHT under the Pakistani Regime: 1947–71

While the story of marginalisation of the Chakmas is often traced back to 1961 (Bose 1997; Chaudhury and Biswas 1997; Perera 1999; Zaman 1982)—the year in which the construction of the Kaptai dam was completed—the actual genesis of the same can be traced back to 1947 when it became part of Pakistan in blatant violation of the 'two-nation theory'. With the inclusion of CHT in Pakistan, the Chakmas were suddenly exposed to unanticipated political and religious persecution at the hands of the new regime. This was accompanied by the decision to throw open the hitherto protected hill tracts to Muslim Bengalis from the plains which inadvertently set in motion the process of slow but steady destruction of the lifeworld of the indigenous peoples of the hill tracts. The continuation of the same policy rather aggressively in the post-1971 phase has eventually led to 'progressive alienation of land and resources, and resulted in disempowerment and pauperization of the indigenous peoples' (Chakma 1995a).

The construction of the dam was thus only part of a larger design which had got underway in full swing right after 1947 at the behest of the Pakistani regime which undertook a series of 'developmental' projects before the dam itself. The economic exploitation of the region had started in all earnest right in the early 1950s when the Pakistani regime undertook a slew of industrial developmental projects in the CHT aided by foreign capital (Arens 1997: 1811–19). The underlying objective behind such projects was not guided by any inherent benevolence towards the hills people, but was mainly aimed at transforming the character of the local

economy from one of being self-sufficient to that of one dependent on the ethos of market economy. This was done with a view to weaken Chakmas' claims to a special status on grounds of their unique history and ethnicity as compared to the plains people from mainland East Pakistan.

The first unit to come up as a result of this new-found zeal to 'modernise' the region was the completion of the construction of the Karnaphuli paper mill at Chandragona in 1953 with the help of foreign funds, including a loan of USD 4.2 million from the World Bank (Arens 1997: 1812). The estimated cost to the environment in the above study is pegged at 'millions of tons of bamboo and soft wood cut' in the CHT for the purpose of producing paper.

The next in line was one of Pakistan's most ambitious projects of all time—the Kaptai hydroelectric project. It was between 1959 and 1963 that the Kaptai dam and hydroelectric project were constructed with funds from USAID and at a cost of Rs 2.4 million. However, in sharp contrast to the much official hype that the dam would help generate 80,000 kilowatts for use primarily in the Chittagong area, an overwhelming majority of the Chakmas continue to live without access to any electricity till date. As observed by Arens (1997: 1812), '... only 1 per cent of the energy generated by the Kaptai project (which provides only a very small percentage of the total energy consumption in the country) is used in the CHT. Besides most of the indigenous people do not even have electricity in their homes.'

One of the most serious fallouts of the dam came in the form of the emergent reservoir which inundated 225 square miles or 52,000 acres of settled cultivable land which is about 40 per cent of the total arable land of the CHT (Arens 1997; Sopher 1963; Zaman 1982). It also led to one of the biggest displacements of people in the early history of modern South Asia with more than 100,000 people getting uprooted, a whopping 90 per cent of whom were Chakmas who were never adequately rehabilitated. In the absence of any compensation at all 'many of them had no choice left than to move to India or survive by jhum cultivation' (Arens 1997: 1812). The interests of the original local inhabitants were thus severely compromised with in the name of the larger 'national interests' or 'the growing industrial economy of the country' (Zaman 1982: 77).

In addition, development victims also included some 8,000 Bengali settlers and about 1,000 Mogh hillsmen. According to the findings of one of the rarest ethnographic accounts of the then ongoing official rehabilitation programme, the relocation plan was fraught with problems right from its conception (Sopher 1963: 337–62). This study highlights the official bias in favour of the uprooted settler Bengali minority community who received disproportionately undue attention at the cost of the overwhelming majority of the indigenous Chakma oustees. As Sopher observes (*ibid.*: 351):

Bengali cultivators who were losing land were another separate group to whom special consideration and, evidently, rather firm direction were given by the administration. Special inducement was offered [to] them to resettle in areas marginal to the Chittagong coastal lowland, such as the vicinity of Sialbukka and Faisyakhali. However, the largest contingent of plainsmen, numbering 570 families, was settled within the Kasalong tract, comprising one-sixth of the households relocated in that area, to the dismay of many of the Chakmas. These Bengalis were settled on the best Kasalong land, 2000 acres of level, previously cleared land that was almost ready for plowing, near the bazaar and administrative headquarters of Marishya.

The brewing resentment among the displaced Chakmas emanating from state patronage to the displaced settler Bengalis in the Kasalong resettlement area is not difficult to understand since it was here that most of them had finally agreed to resettle. Although, the initial response of the Chakmas to resettling in this area was far from euphoric, they finally gave in to the prospect of 'a wholesale transplanting of communities'. Despite the 'primitive conditions' prevailing in Kasalong area, they agreed to settle as '... it had the evident potential of productive riceland and the promise of good interim harvests from jhum cultivation. It was also the only resettlement area where whole village communities could be transplanted virtually intact'² (Sopher 1963: 360). What irked the Chakmas the most, however, was the concentration of large but ineffective all-Bengali staff of minor administrative workers and the presence of Bengali cultivators in great numbers in close vicinity of their settlement area. They were resentful because it took away the luxury of the relative autonomy and privacy that they had traditionally enjoyed in their former villages. 'They felt—and were made to feel—that they were under surveillance and were being obliged to conform in certain ways to Bengali standards'. Sopher further

notes the scarcity of pigs in this settlement area—an important resource in the lives of the people otherwise—because of the unwillingness of the Bengali boatmen to transport them along with the Chakma migrants in the same boat.

In addition to the fear of sharing the same space in the Kasalong resettlement area, the Chakmas were more than rattled by the condescending derogatory attitudes of the Bengalis which they had traditionally nurtured against the indigenous peoples. The self-styled culturally more superior and sophisticated settler Muslim Bengalis abhorred the ways of life of the ethnic indigenous peoples which they believed was far from human. Sopher's study (1963: 346) demonstrates this fact rather cogently:

... most of the Muslim Bengalis feel that such distinguishing traits of the hillmen as pig keeping, alcohol consumption, and the dress and demeanor of women are "very indecent".... For most Bengalis, the district is still an alien land, where their stay is only temporary. Officials, policemen, boatmen, traders, and coolies may spend much of the year in the Hill Tracts, but their families live in the plains. This intensifies the feeling, common among the hillmen, that outsiders are exploiting them.

The social history of Chakmas' dislike and distrust for the settler Muslim Bengalis, however, goes back to the partition of the subcontinent in 1947 when the hill tracts were thrown open to outsiders for the first time. Ever since then there has been an increasing influx of Bengali plainsmen into this area. Ironically, it was the Chakma elite who were responsible for bringing the Bengalis into the hill tracts during the colonial period. They were brought in as sharecroppers to plough and grow paddy on the flat lands. However, the intensity of their inflow increased with the abolition of the special status of the CHT in 1964 which virtually opened the floodgates for the outsiders. The all-Bengali dominant district authorities too encouraged them to come in and even allowed them to acquire land. With the inflows of Bengalis becoming a regular feature of life in the hill tracts, the demographic complexion of the CHT started bearing a completely different look. They could now be seen everywhere: government offices, trading centres of all kinds both big and small, transportation networks, agricultural farmlands, and all walks of life which required unskilled labour. As we shall see a little later in the chapter, the same trend reached unprecedented levels in the aftermath of the creation of Bangladesh in 1971.

Furthermore, the laxity shown by the provincial government in resettling the displaced people becomes evident from its inability and/or unwillingness to spend the amount set aside by it for the purpose. Of the total amount of USD 51 million, it could utilise a mere USD 26 million for the purpose of resettlement and rehabilitation (Kamaluddin 1980: 34). All this left the displaced Chakmas and other hills people seething in anger with virtually no hope of ever putting their lives back together again. The extent of discontentment stemming from the construction of the dam and the subsequent failure of the Pakistani state to adequately rehabilitate the displaced people was aptly captured in a research survey in the late 1970s. Jointly conducted by a team of experts from the University of Chittagong, the study revealed that an overwhelming 93 per cent of the interviewees believed that they were economically much better off before the dam actually came up (Choudhury et al. 1979: 127). A host of problems ranging from lack of food and finances to change of residence to lack of adequate government help to complete absence of employment opportunities at the project site posed new challenges for the displaced people who till now were leading a settled life in their own unique ways. This sudden transformation in the basic character of their existence from a self-sufficient economy to a market-driven one under the deadly political combination of a Ayub Khan-led military regime not only wrought social, economic and political upheavals in their lives, but also left them absolutely clueless as to how to go about reorganising their lives particularly in the absence of adequate help coming from the government.

The completion of the Kaptai hydro project was followed by the construction of the Karnaphuli Rayon mill in 1966 with foreign funds at a cost of Rs 1.3 million. The setting up of a Satellite Station in Betbunia with funds flowing in from Canada in early 1970s also come in for a sharp attack from the local people who believed that it served only the elite who could afford television sets and long-distance telephone calls (Arens 1997: 1812).

In order to further tighten its grip over the CHT, the Pakistani regime introduced aggressive economic and settlement policies in the tracts with a new vigour. It began by commissioning an 11-member team to look into the prospects of resource appropriation in the CHT. Funded by Western aid agencies, the team, comprising 'geologists, soil scientists, biologists, foresters, economists and agricultural engineers', made certain damning recommendations with long-term consequences for the lifestyle

of the hills people (Zaman: 1982). Not only did it hold them squarely responsible for their 'own troubles', but also went on to justify the settlement of 'non-tribals in the name of economic efficiency'. In addition, the team concluded that:

... however well the jhum cultivation may have been attuned to the environment in the past, today it 'can no longer be tolerated'... the hill tribes should allow their lands to be used primarily for the production of forest products for the benefit of the national economy, because it was not suited for large scale cash cropping. The report [thus] left the tribal people with no alternative but to assimilate in the national economy. (Ibid.: 77)

The process of settlement of Muslim Bengali outsiders from the plains henceforth got a new impetus in the aftermath of the publication of this report, leading to a frenzy of new settlements in the hill tracts. This was, however, in sync with the official policy of the Pakistani regime, which only went on to legitimise its earlier decision to throw open the hill tracts to outsiders. It was with the passage of a constitutional amendment bill in 1963 that the Pakistani regime had finally terminated in 1964 the 'special' status hitherto ensured in the form of 'Totally Excluded Area'. In other words, with the coming into effect of the 'Basic Democracies and Local Self-government Act' in 1964, the indigenous peoples were 'incorporated into the framework of national political process' for the first time (Ibid.: 77). This clearly marked:

... the abolition of the special status of the CHT which was granted under the 1900 Regulation. With this, while the officials belonging to different tribes were transferred to other districts, the tribal police was disbanded and all branches of the district administration earlier run by the tribal themselves were brought under the control of the central administration, and the Chittagong Hill Tracts Manual was retained for the running of the administration of the district. (Montu 1980: 1510)

Curiously, most commentators tend to overlook or downplay the element of religious and political persecution of the Chakmas at the hands of the Pakistani regime by overemphasising the developmental aspects of the displacement. In most existing accounts, therefore, Chakmas are reduced to the category of 'environmental refugees' or 'developmental refugees' (Bose 1997: 49; Chaudhury 2000; Hazarika 2009; Perera 1999: 20). Intriguingly, the continuing plight of these people even as victims of

development rarely finds any space in the ongoing debate on development and displacement. I argue, instead, that the stateless Chakmas fled their homes not merely as a result of development-induced displacement, but also because of their consistent subjection to political and religious persecution because of the *politics* of partition.

Early signs of unrest among the Chakmas could be seen right during the course of their rehabilitation in the wake of their displacement when they had expressed strong reservations over the prospect of being settled along with the settler Bengalis given their subjection to varying degrees of oppression and exploitation at the hands of the Bengali officials. As noted in Sopher's study (1963: 357): 'They [Chakmas] complained bitterly of the Bengali border police, accusing them of harassment and oppressive exploitation, including demands for free food and labor, and of abusive behavior, especially toward the hill women.' The situation worsened further with increasing subjection of such people to frequent instances of abuse at the hands of both the Bengali officials and settler Bengalis, forcing about 40,000 of the inadequately settled displaced Chakmas to flee their 'homes' and seek refuge in India in 1964.

They were all eventually resettled in the then NEFA between 1964 and 1969 after going through a gruesome experience of dislocation in different parts of India ranging from the inhospitable terrain of Bihar to the not-so-problem-free environs of Northeast Indian states like Tripura and Mizoram. It is this group of the displaced Chakmas which constitutes the core of this book. They continue to remain stateless even after more than four decades of their settlement in India, while their number has gone up to 65,000. In the absence of any documentation of the displacement narratives of these stateless Chakma refugees in the existing literature, we had to perforce rely upon accounts of their own narratives. I take this up for a detailed treatment in Chapter 6, where I try to reconstruct the social and political history of Chakmas' trans-border migration from the vantage point of their own experiences.

CHT in the Post-1971 Phase

The emergence of Bangladesh in 1971 proved no different to the indigenous ethnic communities of the CHT. If anything, the condition of these communities deteriorated further under the new dispensation with the adoption of extremely reactionary and chauvinist policies towards the

hills people. The newly formed Bangladesh government allocated funds to thousands of Bengali families to settle them in the hill tracts arguing that the area was less densely populated than the rest of Bangladesh (Weiner 1993). Nothing could have been farther from the truth, however. As revealed by Sopher's study, there was an acute shortage of space in the CHT even before the dam was built, let alone the pressure on the land in the aftermath of the construction of the same, which obviously put unprecedented pressure on the land. As Sopher (1963: 346) remarks:

A significant ecological fact relevant to the dislocation of the Chakmas is that people in the Chittagong Hill Tracts were already pressed for space before the dam was built. In 1961 the population of the district was 347,000. When this figure is adjusted to eliminate two atypical conditions—the almost uninhabited Reserved Forests, occupying a quarter of the district, and the largely transient plainsman labor population at Kaptai and Chandraghona—a density of 91 persons per square mile is obtained for the rest of the district.

The spate of settling the landless Bengalis in the CHT, however, did reach its peak during Zia's regime when secret plans to settle them in hundreds of thousands got underway in all earnest from 1978. This was followed by the deployment of a huge military presence in the CHT. As noted by Arens (1997: 1813):

In a secret memorandum dated September 15, 1980 from the deputy commissioner of the CHT to government officials in other districts, guidelines were given regarding the second phase of the settlement of landless non-tribal families from other districts in the CHT. Each family would be given 5 acres hilly land, 4 acres mixed land or 2.5 acres paddy land, as well as some cash money and foodgrains for six months. In 1982 a third phase was authorised under which another 2,50,000 Bengalis were to be settled in the CHT. In total, more than 4,00,000 landless Bengalis were given land in the CHT from 1978 to 1983. They were settled mostly in the fertile river valleys.

Marcus Franda traces the roots of the colonisation of the hill tracts with Bengalis from the plains to the Pakistani legacy, which got a fillip during the Zia's regime who was absolutely intolerant 'of rebel activities on its border' (Franda 1981b: 379). Critiquing the government settlement policies, Franda further observes, '[such] activities have not been carried out with much feeling for the sensitivities, rights and property of the tribals, nor have government troops hesitated to put down insurgency with gruesome repression' (Ibid.).

That the situation only worsened with the emergence of Bangladesh as an independent nation-state has also been noted by Rudolfo Stavenhagen (1990: 107): 'In the Chittagong Hill Tracts of Bangladesh, for years, thousands of poor Bengali colonists from the lowlands, with government support, have been coming into tribal areas to settle. The result has been the massive destruction of the society of the hill people.' The political overtones of this policy are further underscored in a report published by the Anti-Slavery Society (1984: 27):

The Bengali poor will seize any survival chance they are presented with. Illiterates have limited horizons and they are not fully aware that the government's scheme to settle them in the Chittagong Hill Tracts is not essentially an attempt to improve their lot. It is a political act to nullify the question of tribal rights to self-determination by increasing the number of Bengalis in the hill tracts to a majority.

However, the Chakmas seem to be only too well aware of the hidden agenda behind such a deliberate official policy. As a Chakma youth is reported to have asserted unambiguously: 'The Bangladesh government has been carrying out a programme of systematic extermination of the indigenous nationalities of the CHT because they are ethnically, religiously and culturally different from the Muslim Bengalis' (Stavenhagen 1990: 107).

Numerous studies conducted by non-governmental organisations have unequivocally accused the successive Bangladeshi governments of committing massive violations of human rights through such settlement policies, bordering on 'genocide'. A recent study conducted by International Labour Organization has found the Bangladesh government guilty of 'gross human rights abuses against the indigenous Jumma people of the Chittagong Hill Tracts' (Chakma 1995a). It reports that over 450,000 illegal plain settlers were transferred to the CHT in clear violation of the Fourth Geneva Convention. As per the 1991 census of Bangladesh, the illegal settlers accounted for 77.16 per cent of the population growth in the CHT between 1981 and 1991. Survival International, which works for the indigenous peoples across the globe, noted that not less than 125,000 fatalities have taken place since 1947 (Survival International 1984: 7-35). The Anti-Slavery Society's forecast of a looming threat of genocide has also been confirmed and reiterated by other bodies like International Labour Organization and Amnesty International which point towards a

systematic and sustained genocide undertaken by the Bangladeshi regime against its national minorities (Amnesty International 1986; Anti-Slavery Society 1984). In addition, a number of agencies under the banner of CHT Commission conducted a study and published their report *Life is not Ours* in 1991, revealing 'a genocidal process', confirmed also by the findings of two follow-up studies (CHT Commission 1994 and 1997).

Several scholars have also come out with similar findings. In a rather comprehensive study of the nexus between foreign aid and militarisation of the CHT, Arens links human rights violations in CHT to the political economy of development aid. Arens shows at length how the unconditional flow of foreign aid in the name of development has enabled the successive Bangladeshi political regimes, both military and democratic, to militarise the region with a view to countering insurgency. However, far from being successful in suppressing insurgency, let alone bringing in development in the CHT, the development programmes, and for that matter also foreign aid for development programmes, Arens concludes (1997: 1819):

... continues to serve the counter-insurgency strategy and to maintain the present situation of repression, widespread human rights violations, environmental destruction and destruction of the ways of life and cultures of the Jumma people... it is destroying their [Chakmas'] hearts and minds, and has only added to a further alienation of the Jumma people from the mainstream Bangladesh society.

Analysing the nature of conflict between the Bangladeshi state and its national minorities, Mohsin (1997: 17–44) also shows how military power has been used by the state to impose Bengali hegemony. She discusses at length the process of entrenchment of military power and how it has virtually made all aspects of hills peoples' lives subservient. She lists three important factors which have contributed to the militarisation of the CHT. Firstly, the unwillingness on the part of the Bengali elite to involve the hills people in the national liberation movement of Bangladesh, which led to the rise of a feeling of indifference among the Chakmas who believed it essentially involved only the Bengalis and the West Pakistanis. Moreover, the decision of the Chakma chief Raja Tridib Roy to extend support to the Pakistani army further exacerbated their indifferent attitude towards the nationalist cause, earning them the 'suspicion and the hostility of the Bengalis'. Secondly, the sharpening of the 'we versus they' divide

in the wake of the Mukti Bahini's rampage in the CHT immediately after attaining statehood, which resulted in the death of several Chakmas and burning down of hundreds of their houses. While the objective of such an assault was to hunt out the Mizos and the Pakistani soldiers hiding in the hill tracts for their role as Pakistani collaborators, the Chakmas were also targeted because of their chief's role during the liberation war. Thirdly, the idea of Bangladesh, which was predicated on Bengali nationalism, had no political-cultural space for the numerous ethnic indigenous communities of the hill tracts within what was set to emerge as an Islamic Republic. After the assassination of Mujibur Rahman in 1975, she argues, a shift occurred from 'secular nationalism' to 'Islamic nationalism' in which the military played a central role (Ibid.: 20). While the role of the military in converting the CHT into a virtual army camp is upheld by several scholars, the issue of a shift from secular to Islamic nationalism continues to generate controversy. Contesting such an assumption, Franda (1981b: 380) argues that Ziaur Rahman privileged the development of a strong and emotional feeling amongst the people of Bangladesh which was secular in character. Rahman believed that it was eminently possible for the dominant Muslim Bangladeshis to take pride in their religion without displaying any disdain for the religions of the various minority communities. While he concedes that such aspirations remained unrealisable in Zia's own life time, these could well be seen as the 'nascent beginnings of a set of ideals which will eventually guide Bangladesh, as a nation, into the future' (Ibid.).

The controversy apart, the fact of the matter is that Bangladeshi nationalism has never been free from a strong Islamic influence. This becomes evident from the fact that right after its emergence as an independent state, Mujibur Rahman had scoffed at the very idea of granting autonomy to the ethnic Chakma minority community within Bangladesh by asserting: 'We are all Bengalis ... we cannot have two systems of government ... forget your ethnic identity, be Bengalis' (Chakma and Chakma 1994: 21).³ The process of *Bengalisation* or *Islamisation* of the CHT, which had started in all earnest right after the emergence of Bangladesh in 1971, has continued to manifest itself with greater ferocity irrespective of who happens to be at the helm of affairs. Mohsin locates the reason for this in the presence of a 'remarkable consensus' among the political elite of Bangladesh, which privileges the armed forces—the main source of its power—as a symbol of the 'nation's' glory and power. This, she argues,

is largely responsible for the deteriorating condition of the hill people, as the armed forces enjoy complete impunity and state patronage. Such a situation has left the hill people with only two options: 'either to assimilate themselves with the Bengali mainstream and thereby lose their cultural identity, or to face extermination', which she argues is an extreme case of 'nationalist hegemonism' (Mohsin 1997: 39).

In yet another critical study, Levene shows how right after its emergence as an independent state, Bangladesh embarked upon a systematic and sustained programme of genocide against its national minorities to remove the impediments in the way of nation-building. Levene establishes a close link between Bangladeshi 'developmental' agenda and the 'genocidal process' (Levene 1999: 362). He defines genocide as representing, 'the extreme end of a continuum of repressive state strategies, which might include marginalisation, forced assimilation, deportation and even massacre' (Ibid.: 342). Following from such a conceptualisation, he goes on to argue that the ruling elite's rejection of *Jummas*' claim over land, which amounts to 10 per cent of Bangladesh's total territory, can be seen to be rooted in the political economy of genocide. As he puts it (Ibid.: 364):

For all of its history Bangladesh has looked to the territory as a panacea for its economic ills. Much more powerful countries have similarly looked to their supposedly virgin frontiers, or territories beyond, as the route by which to transcend mundane limitations on the accomplishment of great national projects. The idea that the CHT could be key to Bangladesh's 'great leap forward' thus continues to hold elite imagination.

Although Levene's formulation of a close linkage between the Bangladeshi 'developmental agenda' and the 'genocidal process' does appear convincing from the perspective of his own conceptualisation of the term 'genocide', I do think genocide is too strong an expression when understood in the classical Western sense of systematic extermination of a whole ethnic community or communities. This is, however, not to deny the consistent subjection of the various ethnic communities of the CHT to blatant and violent oppression at the hands of the successive Bangladeshi regimes, but to simply make the point that the rather painful and prolonged history of oppression and suppression of the indigenous ethnic communities at the hands of the successive political regimes in the CHT does not amount to genocide, for the prevalence of genocidal tendencies is one thing,

and its practice quite another. What can clearly be seen in the context of the CHT, thus, is the manifestation of aggressive Bengali nationalism backed by an equally 'nationalist' military-bureaucratic complex.

Common to all these reports and commentaries is the indictment of Bangladesh as a nationalising, homogenising and hegemonising postcolonial South Asian state. Bangladesh is a nearly homogenous state in terms of its ethnic composition. Approximately 99 per cent of its population comprises of Bengali Muslims. Bangladeshi statesmen and top officials have consistently reiterated their unitarist attitude. Typical of this was the response of Mujibur Rahman, as seen before, to Chakmas' demand for autonomy. Similarly, two senior army officers are alleged to have proclaimed at a public meeting in Panchari in 1979: 'We want the land and not the people of the CHT' (Arens 1997: 1816; Levene 1999: 343). The Bangladeshi constitution does not even acknowledge the existence of ethnic communities, let alone accord them special status. Consequently, the Chakmas and the other ethnic minorities have had to bear the brunt each time they have raised their voices for greater autonomy, decentralisation and democratisation. For example, the formation of the Parbattya Chattogram Jana Sanghati Samiti (PCJSS) as the political platform of the hills people to articulate their grievances, and Shanti Bahini as its armed wing, is viewed by the Bangladeshi establishment as 'anti-national' in character, propelling secessionist forces. The response of the nationalising Bangladeshi state to the presence of such forces has thus predictably been on the lines of ruthless suppression of dissenting voices under the garb of countering insurgency.

But what happened to the dam-displaced Chakmas who had taken shelter in the Indian province of NEFA as Pakistani refugees in the aftermath of the emergence of Bangladesh? Paradoxically, the emergence of Bangladesh as a new nation-state in 1971 simultaneously transformed them into stateless people. The newly enacted 1972 Bangladeshi Constitution did not acknowledge them as its citizens, while the Indian state too had not granted them citizenship, reducing them thus to the category of stateless people. If the Pakistani state pushed them to the path of refugeehood, the Bangladeshi and Indian states have made them stateless. Interestingly, this group of Chakmas in either case remained mute spectators to the process of change of their identity from one to another. They continue to live

as stateless people in India with the exception of some 1,497 of them who were recently granted Indian citizenship in 2004.

NEFA: THE LAST FRONTIER

The North East Frontier Agency (NEFA) is presently called Arunachal Pradesh—the 'Indian land of the rising sun' as the Indian Prime Minister, Manmohan Singh, recently puts it (D.K. Singh 2008a). With a total landmass of 83,743 square kilometres, Arunachal Pradesh is the largest state in the northeast. It looms over the plains of Assam encompassing much of the Brahmaputra valley in the shape of a giant horse-shoe. Strategically located on the northeastern border of India, it shares its boundaries with Bhutan in the west, Tibet in the north and northeast, Myanmar in the east and southeast and Assam in the south. According to the 2001 Census, the total population of the state is 1,091,117 of which indigenous peoples constitute 63.7 per cent. Arunachal Pradesh is marked by extraordinary levels of ethnic, cultural and linguistic heterogeneity. It is home to 26 major ethnic groups and some 110 small and very small sub-ethnic groups with little or no linguistic and cultural similarities.⁴ Till as late as the 1950s, NEFA remained, in the words of Rustomji (1983: 114), 'a hidden land, about whose tribes the information was so little that even their names were in doubt. There were vast areas, which had never in their history been visited by outsiders, and there was not even the barest knowledge of their inhabitants, their language or their customs'. The region came to be 'discovered' only gradually when the Indian government took charge of the territory from the British and started taking keen interest in it owing to its strategic location and historic isolation. In its fairly long history of political evolution, it has been variously designated as 'North East Frontier Tracts', 'Backward Tracts', 'Excluded Area', 'North-East Frontier Agency' and, finally, in 1972, as 'Arunachal Pradesh'. NEFA remained attached to Assam in varying degrees till 1972 when the 'notional umbilical cord' was finally cut off and it was made a Union Territory under the direct control of the Government of India (Verghese 1997: 221). It is for this reason that the early political history of NEFA cannot be viewed in isolation from that of Assam.

In 1838, the British took over the whole of Assam from the last Ahom king and entrusted to themselves the task of protecting the plains from the raids of people from the northern hills. This lasted for almost a

century during which the British undertook punitive expeditions into the hills (K.S. Singh 1995: 11). Realising that the hill regions had to be turned into manageable administrative units, the British created Non-Regulation Province of British India, putting these tracts directly under Deputy Commissioners.

One of the most important steps taken by the British in this direction was the introduction of the Inner Line system in 1873. This Line passed through the several districts of Northeast India, or the then Assam: Kamrup and Goalpara districts towards Bhutan; Darrang district towards the Bhutias, Akas and Daflas; Lakhimpur district towards the Daflas, Miris, Abors, Mishmis, Khamptis, Singphos and Nagas; and Sibsagar district towards the Nagas. The system made it mandatory for the British subjects of certain classes and foreign residents to obtain a permit for going beyond the Line (Chowdhury 1989: 35–37; K.S. Singh 1995: 11).

This regulation, popularly known as Inner Line Regulation, also stipulated various rules regarding trade relations between the plains and the hills. Other stringent measures included restraining the possession of land and property beyond the Inner Line and entering without a special permit. Sections 2 and 7 of this Regulation provided that no persons other than local natives shall pass through the tracts without a 'pass' and that no person who is not a native of the district shall acquire any interest in land or the produce of land. This regulation was extended to the present day Arunachal Pradesh by section 7 of the Scheduled Districts Act, 1874 (Government of Arunachal Pradesh 1996: 6). Retention of this regulation in the postcolonial context continues to generate considerable debate regarding its efficacy both among the national-level political leaders and academics. We shall return to this debate a little later in this chapter.

Another British effort, popularly seen as an attempt to win over the hills people, was the establishment in 1882 of the post of Political Officer, equivalent to the rank of Deputy Commissioner, with Sadiya as its headquarters. However, this only helped the British in bringing the entire area within the broader framework of the imperial administrative structures. Further penetration was made possible when the North East Frontier Tracts were formed in 1914 in accordance with the Assam Frontier Tracts Regulation, 1880 thereby separating the hill areas of the northern districts of Assam from the plains. These tracts were henceforth included in the 'backward tracts' in accordance with the provisions of the

Government of India Act, 1915–19. With a view to attaining some degree of uniformity for administrative convenience, these tracts were further divided into different administrative units such as the Balipara, Lakhimpur, Sadiya and Tirap Frontier Tract (K.S. Singh 1995: 11–13).

The extension of the Assam Forest Regulation of 1891 to the North East Frontier Tracts was significant insofar as it protected the customary rights of the indigenous peoples to engage in Jhum cultivation and maintain community forest rights. As noted in the *White Paper* (Government of Arunachal Pradesh 1996: 6):

According to customary laws and social practices the tribal people have full protection given under the Assam Forest Regulation, 1891 which has stood the test of time for over hundred years. Their personal rights, community rights, clan rights or village rights remain unfettered and undisturbed till date.

This Regulation did help in terms of prohibiting the acquisition of forest land by any outsider. The Chin Hills Regulation, 1896 further empowered the district administration to exempt any person who was not a native of the area if his presence was found injurious to the peace and good administration (Ibid.).

In 1937 the 'backward tracts' were turned into 'Excluded Areas' of the province of Assam. This was done under the provision of Section 91(1) of the Government of India Act, 1935 and given effect under the 'Government of India (Excluded and Partially Excluded Areas) Order' of 1936 (Luthra 1993: 11). The Excluded Areas came under the direct charge of the Governor who administered them in his discretion under Section 92 of the said Act through the Political Officers and the Deputy Commissioner of Lakhimpur. The Governor was assisted in carrying out his duties by a Secretary. However, it was decided in 1943 that these Excluded Areas would be brought within the purview of a common administration and developed through a gradual penetration of the administrative machinery (Verghese 1997: 220). As a result, a new post of Adviser, over and above that of the Secretary, was created by the Government of India in the same year.

Yet another significant regulation, known as Assam Frontier (Administration of Justice) Regulation, 1945 went a long way in upholding the customary norms and laws of the indigenous peoples of NEFA. This special provision was introduced with:

... the express objective of ensuring that a vast majority of disputes and cases, both civil and criminal, may be adjudicated in accordance with the prevailing traditional codes of the tribal communities. The Indian Penal Code was, however, introduced in the year 1916 for the purpose of holding trials by regular courts of law if this became absolutely necessary. (Luthra 1993: 19)

Following the transfer of power, the responsibility for administering the Frontier Tracts was vested in the Government of Assam for the interim period between 1947 and 1951, and the Governor was required to act on the advice of the Chief Minister. However, with the coming into force of the new Constitution in 1950, this arrangement underwent further change when these tracts were put under the direct control of the President of India. While NEFA was retained as part of the state of Assam, its administration was specifically made the responsibility of the President of India whose Agent for the discharge of this responsibility was the Governor of Assam. The Governor acted in his own discretion and was not obliged to act on the advice of his ministers unlike the case of the Nagas and other southern hills people (Rustomji 1983: 95). However, the Governor was aided in the discharge of his duties by his Adviser for Tribal Affairs, a post generally held by a bureaucrat of long standing.

The constitution-makers were acutely aware of the extent of isolation and marginalisation of the northern hills people who 'had had no contact with the outside world and that their ties even with the contiguous plains of Assam were tenuous' (Ibid.: 95–96). The Assamese could lay no legitimate claim to their administration as 'they had little or no experience of the northern hills people or knowledge of their culture, languages or customs'. An additional factor was the increasing Chinese belligerence vis-à-vis India's northeastern borders. The Chinese maps showed vast areas south of the Himalayan watershed as Chinese territory and delineated the McMahon Line as the International frontier. The Chinese appeared reluctant to alter their maps on Indian request. 'The northern border had thus become a live and sensitive region and the problems of the frontier tribes were now a matter of national concern for which the central government decided they must take direct and sole responsibility' (Ibid.: 96).

A further significant change was effected in relation to NEFA administration by transferring the responsibility for its administration from the Ministry of Home Affairs to the Ministry of External Affairs. This change, according to Verghese, was indicative of Nehru's strong personal

interest in the region and its people. Since Nehru also held charge of the Ministry of External Affairs, 'this is where NEFA got lodged' (Verghese 1997: 222).

The North East Frontier Area (Administration) Regulation of 1954 reconstituted all these tracts together with some Naga hill areas and renamed them as the North East Frontier Agency, comprising Kameng, Subansiri, Siang, Lohit and Tirap Frontier Divisions. The Tuensang Frontier Division, earlier included in the then NEFA, was amalgamated with the present day Nagaland in 1957.

NEFA became a Union Territory on 21 January 1972 in accordance with the North Eastern Areas (Re-organisation) Act, 1971. With this, the Governor of Assam ceased to function as the Agent of the President. Finally, under the provisions of the State of Arunachal Pradesh Act 1986, NEFA was made a full-fledged state on 20 February 1987. It now comprised the territories which had been part of the then existing Union Territory of Arunachal Pradesh.

BRITISH RULE IN NEFA: A 'SHADOWY SUZERAINTY'

Much like the political history of CHT during the colonial period, NEFA too was never brought under formal or regular administrative control of the British regime. The British could only exercise what has been aptly described as a 'shadowy suzerainty' over NEFA (Guha 1999: 239). The relationship was one of minimal interference and was indeed guided by the tribute system, known as *posa* in the vernacular. Under this system which the British inherited from the Ahoms, the former rulers of Assam, commodities like cloth, salt and iron which were particularly valued by the hill people were handed over to their representatives by the Political Officer in exchange for giving up their claims to raid over villages in the plains adjoining the foothills. Its retention demonstrated the extent of appeasement to which the government was willing to go in order to avoid engagements that would have involved establishing, at huge cost, 'a network of administrative centres in the interior hills' (Rustomji 1983: 94).

British lack of interest in the tracts emanated from the fact that they saw no threat to its frontier regions thanks to the border agreements reached with the Tibetan representatives in 1913 at Shimla, which produced the McMahon Line. However, the McMahon Line was disavowed by China in 1913 itself. Only the British and the Tibetans agreed on it. It was only

after the Chinese clearly refused to comply with the arrangements that the British started sending their Political Officers to the border areas of NEFA once a year to show the flag with a view to reaffirming their claim over the territory south of the McMahon Line. The Chinese preoccupation with internal upheavals was also reassuring. The British presence in NEFA was thus merely symbolic and had no impact on the people of NEFA whatsoever. As also noted by Woodman (1969: 197):

The tribal people lived as they always had done along the McMahon Line; the Tibetan tax-collectors appeared at Tawang and at one or two points on the Upper Subansiri and Siang and as far as Walong. But it is generally true to say that 90 per cent of what is now N.E.F.A. was as much *terra incognita* in Lhasa as it was in Delhi or Shillong, let alone Peking which was never remotely interested in the area except during the campaigns of Chao Erh-feng.

It was only in the 1930s that the British became more apprehensive of Chinese ambitions and established a few paramilitary outposts at focal points along the valley routes leading to the McMahon Line. However, even this fell short of creating a full-fledged administrative structure in the region. The reason for this apathy were the difficult and tortuous terrain, inaccessibility and the consequent bleak prospects of economic exploitation of the resources in the region. The British thus preferred to keep away from NEFA since it would have only resulted in 'infructuous expenditure'.

Added to this was a strong resolve of the indigenous peoples not to allow outsiders into their land, which emanated from a deep-seated fear that these strangers might overwhelm them. Such apprehensions had resulted in the murder of two French missionaries by a Mishmi chief way back in the 19th century. The continuation of subsequent acts of hostility on the part of the indigenous peoples more or less persuaded the British to leave 'these inhospitable hills and their inhabitants undisturbed' (Rustomji 1983: 95).

NEHRU, ELWIN AND THE PHILOSOPHY FOR NEFA

While NEFA and CHT enjoyed similar treatment during much of the colonial period, they were to follow very different trajectories in the postcolonial phase. Unlike the situation in the CHT, the continuation of 'protectionist' policies was retained in NEFA at least until the period

when the war with China broke out in 1962. What is more, in contrast to the CHT which moved, at the time of partition, into the hands of the Islamic Pakistani unitarist regime, the postcolonial Indian political elite showed a keen interest in the NEFA region. It was paid special attention by Nehru and Elwin who called himself a 'missionary of Nehru's gospel' (Elwin 1988).

In fact, there are few regions in the world to have attracted the kind of attention that NEFA did from the new inheritor state after the transfer of power in 1947. What warranted this special attention was not only its geo-strategic location, but also its rather long history of political isolation and marginalisation. This made the task of integrating NEFA with 'mainstream' India a unique challenge. The challenge lied in extending administrative structures to the remotest corners of this last frontier without in any way offending its inhabitants, most of whom had never come into contact with the outside world and were thus legitimately apprehensive of outsiders.

The 1953 Achingmori massacre, located in a village on the border between Siang and Subansiri districts in interior NEFA, illustrates the nature and extent of such apprehensions amongst the indigenous peoples. This incident sent shock-waves throughout the country, causing a universal outcry over the 'unprovoked' killings of a contingent of Assam Rifles by the indigenous Tagins (Rustomji 1983: 129–41). The contingent was on its maiden routine patrol duty to Achingmori with which the administration had hitherto made no contacts whatsoever. The entire contingent except a few porters was done to death. The few surviving porters carried the news back to headquarters. The reaction of both the public and the armed forces was of 'fiercest indignation', pressing for imposition of 'sternest retaliatory measures'. One can perhaps do no better than quote Rustomji here at length (1983: 130–31):

Here was treachery of which only the vilest savages were capable. What was all this nonsense about the 'Philosophy of Nefa' and the 'Noble Savage'? Was this not a blatant example of tribal barbarity, cunning and ingratitude? The tribals did not know the meaning of kindness and generosity, all that these primitives understood was the bullet and the strong arm. It was high time to be done with all this pampering of the tribes and to demonstrate to the hillman that the Indian administrator was as tough as the British and could smash him out of existence if he wanted. ... Unless they were made to starve and suffer sufficiently for their crime, they would never submit to the administration and learn the arts of civilization.

The administration thus suddenly found itself in a peculiar predicament over the future of pursuing the 'philosophy for NEFA'. Amazingly, the weight of the administration prevailed despite such huge popular uproar and criticism of the act, as it refrained from following the jungle law of a 'tooth for a tooth'. While the administration resolved to bring the guilty to the book, it refrained from demonstrating its 'power to kill and crush'. 'There was no burning of villages and no strafing of innocent tribals by fighter aircraft' (Ibid.: 134).

On a closer scrutiny, it was found that it was not for nothing that the Tagins had so mercilessly butchered the contingent of Assam Rifles. The administration, for example, did acknowledge, albeit grudgingly, 'flagrant lapses' on its part in having failed 'to collect the intelligence so vitally needed before venturing into virtually unknown territory' (Ibid.: 131). One such lapse was the failure to gather information about a fairly long history of 'previous enmity between the Tagins and the porters of the Assam Rifles party, who belonged to a rival tribe'. The sudden and unexpected 'intrusion' of strangers made the Tagins suspicious of some 'insidious designs'. They had no option but to resort to 'guile' and 'cunning' as their last weapon 'to stem a process which might result in their extinction as a tribe'. Rustomji emphatically argues that the Achingmori incident should be viewed from a broader perspective: 'While the ingredient of "nobility" might have been lacking in their deed, the Tagins' was a heroic effort, against terrible odds, to save the future of their culture and their race' (Ibid.: 131-34).

It was indeed remarkable that despite such initial setbacks suffered at a time when the philosophy for NEFA was in its formative stage, Nehru and his advisors not only exercised utmost restraint, but also continued unflinchingly in pushing forward their new philosophy. This new philosophy received its best expression in Elwin's articulation in *A Philosophy for NEFA* published in 1957. Elwin, the 'Oxford philosopher-anthropologist-turned-philanthropist-turned-Gandhian-turned-Indian', had had a fairly long stint in Central India before he was asked to move into NEFA as 'Adviser on Tribal Affairs' in 1953 (Guha 1999: 113). Although Elwin enjoyed no statutory powers, '... his influence and inspiration permeated the entire administrative fabric' for he was a close confidant of Nehru who held him in high esteem (Ibid.: 114). The second edition of the book, much thicker in content, came out in 1959. Nehru contributed

commendatory forewords to both editions. In the first foreword dated 16 February 1957, Nehru credited Elwin for influencing his thoughts on issues relating to the life of ethnic communities and insisted that it was not the other way round. Nehru thus wrote:

Verrier Elwin has done me the honour of saying that he is a missionary of my views on tribal affairs. As a matter of fact, I have learnt much more from him, for he is both an expert on this subject with great experience and a friend of the tribal folk. I have little experience of tribal life and my own views, vague as they were, have developed under the impact of certain circumstances and of Verrier Elwin's own writings. It would, therefore, be more correct to say that I have learnt from him rather than that I have influenced him in any way. (Quoted in Elwin 1988: xii)

Elwin's influence on Nehru can further be seen from the fact that he strongly recommended Elwin's *A Philosophy for NEFA* to the new recruits of Indian Frontier Administrative Service (IFAS), which was soon accepted as the frontier officer's bible. Nehru thus wrote in the first foreword:

I hope that our officers and others who have to work with the tribals of NEFA will read carefully what Dr Elwin has written and absorb his philosophy so that they may act in accordance with it. Indeed, I hope that this broad approach will be applied outside the NEFA also to other tribals in India. (quoted in Elwin 1988: xiii)

However, it was in his foreword to the second edition of the book dated 9 October 1958 that Nehru envisaged a special package, which was 'publicized by Elwin as the Prime Minister's Panchsheel for tribal development', the word carrying, he hoped, 'resonance of the other Panchsheel, the famous five principles for international cooperation offered by Nehru at the Bandung Conference of 1955' (Guha 1999: 269). The essence of Nehru's philosophy for NEFA is aptly captured in what Guha calls the principle of 'make haste slowly' (Ibid.: 264). The 'five fundamental principles' of development, as outlined by Nehru, were as follows (Elwin 1988: xiv):

1. People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
2. Tribal rights in land and forests should be respected.

3. We should train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
4. We should not over-administer these areas or overwhelm them with multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.
5. We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

Such measures, no doubt, were radical both in terms of spirit and practice. They seemed to recognise the limitations inherent in the situation. As an educated Mishmi is reported to have told Elwin in 1955: 'Remember that we are not by culture or even by race Indian. If you continue to send among us officers who look down on our culture and religion, and above all look down on us as human beings, then within a few years we will be against you' (Guha 1999: 257).

Nehru and Elwin responded by instituting a new cadre of officers especially trained to meet such challenges in NEFA. The result was the constitution of an all-new Indian Frontier Administrative Services in 1956 which was treated at par with that of the Indian Administrative Services in terms of prestige and status. The recruitment was done directly by a high-level Committee consisting of experienced administrators and experts in the field of culture of the indigenous peoples. That included Elwin who was appointed 'Tribal Consultant to the NEFA administration'. On selection, officers were put through rigorous training under the supervision of the then Governor Jairamdas Daulatram, Verrier Elwin and Nari Rustomji and 'were taught to practice the intellectual and emotional as well as purely law-and-order side of governance' (Guha 1999: 257–58). The training programme laid particular emphasis on problems arising from contact between communities at different levels of culture. The main thrust of the programme was to make the officers realise that 'respect was a two-way traffic and that the tribals would respect us and our institutions to the extent we respected them and theirs... The officers, we made it clear, were for the tribals and not the tribals for the officers' (Rustomji 1983: 104).

Elwin is quoted as having told these trainees: 'I don't want you to ever give tribals a feeling of inferiority... Integration can only take place on the

basis of equality: moral and political equality' (Guha 1999: 258). Usage of terms like 'backward' and 'uplift', 'modern' and 'advanced' by the officers or their wives were strictly prohibited, for Elwin believed, they implied 'a value judgement, which the conscience of the world may yet reverse'. He went further: 'For who is really backward—the honest peasant working in simplicity and truth among the hills, or the representative of modern progress embroiled in the mad race for power and wealth, the symbol of whose achievement is the hydrogen bomb' (Ibid.: 263).

Of all the Acts and Regulations, it was the retention of the Bengal Eastern Frontier Regulation, 1873 in NEFA by the Government of India in the postcolonial phase that evoked considerable controversy and uproar both among different leaders across the political spectrum and scholars of varying ideological predilections (D.K. Singh 2008b). As per the provisions of this Regulation, outsiders—both non-ethnic (non-Arunachali) Indians and foreigners alike—were restricted from moving in freely as was the practice during the colonial period. They had to first obtain an Inner Line Permit from a competent authority before moving into NEFA. Prominent leaders of the time took it with a pinch of salt that they were not free to roam freely in their own newly free country. Guha, in his critically acclaimed biography of Verrier Elwin, has come out with interesting findings in this context. He cites the example of one of the most prominent socialist leaders of the Indian national movement, Ram Manohar Lohia, a political scientist with a PhD from Germany, who found it impossible to believe until he himself made a couple of unsuccessful attempts to enter NEFA without an Inner Line Permit. To quote Guha (1999: 270):

On 12th November 1958, Lohia arrived at the outpost of Jairampur, on the borders of NEFA. He had come to challenge the policy whereby all outsiders, whether citizens of India or not, had to obtain 'Inner Line' permits to enter the territory. Lohia held that all Indians had the right to wander freely anywhere in their country. But the NEFA guards did not agree: he did not have a pass so he was not allowed to enter. Lohia was enraged. The governor of Assam told him he could get a permit whenever he wished but would first have to come to Shillong and apply for one. Lohia was not prepared to accept this and a year later once again attempted to enter NEFA without a permit. This time he was arrested and brought down to the town of Dibrugarh in Assam, where he was set free. In a press statement he condemned the policy of NEFA administration as a relic of British colonialism. Lohia insisted that he wished to visit the area only out of a desire to see his land 'in all its various beautiful shapes'.

Lohia is quoted as having responded (*Ibid.*: 270):

This 'foolish' policy of not allowing the other Indians in the country might be partly owing to the fact that a very peculiar type of an erstwhile clergyman, Sri Verrier Elwin, is the adviser of the Governor of Assam in respect of the matters concerning the Adivasis (tribals) of Assam. This former clergyman has carved out a principle of a 'reserved forest' in the same manner as the lions of Gir. But the detachment of these Adivasis with the outer world is all the more greater ... Until the month of October last year, the photographs of Shiv, Durga, Gandhiji or even Nehru were not permitted to be displayed in the shops, because in the opinion of this former clergyman, there were possibilities of the people of [NEFA] being offended or corrupted.

Lohia was definitely not alone in attacking Elwin for his policy on NEFA. However, given Lohia's ideological differences with the ruling Congress party and his political bitterness with Nehru and also given the fact that Elwin was a close confidant of Nehru, Guha looks at such a reaction from Lohia, whom he calls a 'brilliant maverick socialist', as only natural and expected (Guha 1999: 269). What is, however, surprising is the fact that Lohia was not at all prepared to grant any concession to Nehru and Elwin and went to such extremes in condemning their policies. This is significant, if for no other reason, then for the fact that if a man of Lohia's stature could react so strongly to the adoption of such policies, the general perception of the masses reflecting a similar view should come as no surprise at all. It is only a reflection of the unwillingness of the mainstream society to concede to the fact that there have been and are communities with different histories, cultures, ethnicities and identities, and that they have as much a right to preserve their identity and culture as anybody in the world. It is this failure on the part of the larger Indian society to come to grips with the reality of there being not only different identities, but also alternative worldviews that perhaps explains the increasing unrest in India's Northeast.

It is, however, significant to look at Elwin's own rather candid response to Lohia's attack on him, for it clearly shows that much of Lohia's criticisms were unfounded and misplaced:

He [Lohia] seems to be under the impression that I was responsible for the Inner Line which encloses a number of the hill areas of Assam and cannot be passed without a permit. But the Inner Line was established in 1873, and though I realize that I am getting on a bit in years, I actually was not even born then. (Elwin 1977: 30)

There were others who went overboard in condemning Elwin for his policy on NEFA. Prominent among these were G.S. Ghurye of Bombay University, distinguished anthropologist from Calcutta Nirmal Kumar Bose, D.N. Majumdar of Lukhnow University and the Marathi writer Durga Bhagwat among others, who had been, at one time, friends with Elwin (Guha 1999: 269–75).

The Assamese were particularly critical of Elwin's philosophy of NEFA, says Guha, as they 'suspected him of suppressing the territory's historic links with them'. As one politician is quoted as having remarked in, what Guha calls, a rare flash of wit, that a feeling was growing that NEFA now meant 'No Entry for the Assamese' (Ibid.: 271).

Elwin's own defense to the above criticisms is worth illustrating, for it clearly shows that he was not against change, but against sudden and swift change which, he thought, might uproot these people from their socio-cultural roots. As he noted (Ibid.: 275):

No one now [in post-Independence period] would advocate a policy of isolation, although it is as important as ever to give some protection to the tribal people in the transition period during which they must learn to stand on their own feet and become strong enough to resist those who would exploit them.

Elwin's most articulate self-defense, however, came to light in 1964, when he wrote in his autobiography (1964: 290, 295):

My views on the protection of the tribes caused a regular flutter, and for many years, indeed right up to the present time, I have been accused of wanting 'to keep them as they are', to hold up their development, to preserve them as museum specimens for the benefit of anthropologists. This is, and has always been, nonsense.

But although in the earlier years I thought in terms of preserving tribal culture, I came later to think in a less static way. Culture obviously must be a living, moving thing, always subject to change, and Nehru's formula of developing the tribal people along the lines of their tradition and genius seemed to put what was needed in a nutshell.

As noted by Guha: 'Like everyone else, he was for change and development, with only this caveat: "what I [Elwin] and those who think like me desire is change for the better and not degradation and decay"' (Guha 1999: 275). The fact that Elwin was clearly against the adoption of isolationist policies can further be seen in his own observation:

Isolation in the modern world is impossible; it would not be desirable even if it was possible. The old controversy about zoos and museums has long been dead. We do not want to preserve tribal culture in its colour and beauty to interest the scientists or attract the tourists. To try to preserve and develop the best elements in tribal art, religion and culture is something very different from wishing to keep the people in a zoo.

We do not want to preserve the tribesmen as museum specimens, but equally we do not want to turn them into clowns in a circus. We do not want to stop the clock of progress, but we do want to see that it keeps the right time. We do not accept the myth of Noble Savage; but we do not want to create a class of Ignoble Serfs. (Elwin 1988: 59)

These principles, which constituted the bedrock of India's policies towards NEFA, held sway till 1962 when they came in for severe attack in the wake of the defeat suffered at the hands of the Chinese. The ensuing criticisms of the 'Philosophy for NEFA' accused Nehru and Elwin for isolating NEFA from Assam and India to catastrophic consequences. 'So rapid was the enemy advance and so utter the collapse of Indian resistance', noted Rustomji, 'that it was taken for granted that, within a matter of days, the whole of NEFA, if not Assam, would be lost to the Chinese' (1983: 136). To top it all, in his broadcast to the nation and more particularly to the people of Assam, Nehru tendered his 'profound sympathy and heart-felt condolences' deeply hurting Assamese sentiments, which they 'have never quite forgiven or forgotten' (Ibid.: 136–37).

The Assamese were outraged by Nehru's mere expression of sympathy and the absence of any concrete reassurance from the central government to bail them out of the impending crisis. In the Assamese popular perception, this amounted to no less than surrendering the territory and leaving its people to their own fate. Instead of reassuring the people of Assam that they would be protected from the fast advancing Chinese troops and that the Indian armed forces would fight to the finish, Nehru's utterances of mere kind words was popularly read as evidence of the centre's growing indifference towards the region. It is a different thing, however, that the Chinese troops never entered Assam and retreated voluntarily from NEFA itself. Nonetheless, the damage was done as the Assamese have not quite forgotten those moments of hopelessness, which so characteristically epitomised the indifferent response of the Indian state towards the then state of Assam.

The reaction of the indigenous peoples of NEFA who directly bore the brunt of Chinese aggression was no different either. Widespread ambiguity and ambivalence came to characterise the popular reaction in NEFA, as they were not sure which way to go, either to remain isolated as in the past or be a part of India. Rustomji, who was directly involved in appraising the people of the stand of the government and its armed forces, found himself caught in a tricky situation in the face of the army abandoning their positions on the one hand, and a volley of questions being thrown at him by the people enquiring about the government's stand, on the other. He noted the public reaction: 'If the administration was not prepared to defend them [people of NEFA] at this time of need, they more than hinted that they had better dissociate themselves from it right-away and revert to their traditional isolation' (Rustomji 1983: 137).

Only if NEFA had not been kept separate and distinct, so the critics argued, the Chinese would have never dared come in. They further argued that the need of the hour was to 'multiply the area of association and contact with the outside world and not to keep [the tribals] within their narrow circle' (Guha 1999: 295). The opposition members in the Parliament went as far as suggesting that 100,000 farmers from Punjab be settled in NEFA, 'both to further the assimilation of tribals and to dissuade the Chinese from coming again' (Ibid.: 295). This was one suggestion that deeply perturbed Elwin for it was he who, like Nehru, had all along zealously argued against introducing too many outsiders into NEFA. However, expression of such views in the wake of the Chinese incursions was but a reflection of the dominant mood, which was critical of Nehru-Elwin policy anyway.

Interestingly, the justification for the settlement of Punjabi farmers in NEFA was not only rooted in the dominant security discourse, but also went to the ridiculous length of doubting the loyalty of its own citizens, that is, the indigenous peoples of NEFA. Under the dominance of such a framework, they came to be treated as alien subjects with no regard whatsoever for their distinct identity and ethnicity. While tracing the roots of 'India's vulnerabilities' in the region to the Chinese invasion, Sanjib Baruah looks at the creation of Nagaland in 1963, a year after India's war with China, as a strategic response to perceived future threats not only from the neighbouring Asian giant, but also from within the nebulous and fragile Indian nation. As he notes:

Already the Naga independentist rebellion had begun to make officials of the post-colonial Indian state anxious. There were stirrings of unrest in other parts of the region as well. Beginning with the China war, the managers of the Indian state began to see the external and internal 'enemies' in this frontier region [NEFA] coming together and constituting a looming threat to national security. Extending the institutions of the state all the way into the international border—nationalizing this frontier space—became the thrust of Indian policy ever since. Over the next few years, the governmental structure of the region was fundamentally redesigned to create what I have called a cosmetically federal regional order. (Baruah 2005: 191)

The dominance of such a mindset can also be seen from the debates in the Parliament in the immediate aftermath of the Indian debacle at the hands of the Chinese forces. Ironically, the members went on to strongly recommend that the vast and sparsely inhabited areas of NEFA could be 'profitably stocked with the fighting races of India, strong, sturdy folk, who could make a granary of NEFA as they had made a granary of Punjab'. Since the loyalty of the hill people had not yet been tested and they continued to be an 'uncertain factor', it was felt appropriate to fill this frontier region with 'a thoroughly loyal and India-oriented population'. Given the dominance of the national security discourse, it was felt that since the hill people shared ethnic and racial ties with the people across the border, there was every possibility that they might side with the neighbour, and hence this border region must be populated with 'Indians from the heartland whose loyalty was not in question and who would stand as a firm first line of defense in the event of an invasion from the north'. Furthermore, the almost complete disregard and apathy for the hill people can also be gauged from the fact that the opposition members of the Parliament unabashedly privileged the assimilationist approach by arguing that such a move would help assimilate the hill people 'with the mainstream of India's culture' (Rustomji 1983: 112).

While Nehru successfully managed to defy the suggestion made in the Parliament for greater 'assimilation' of the people of NEFA with the larger national whole by refusing to send Punjabi farmers into NEFA, the ghost of Chinese incursions did loom large in the background. Moreover, given the newly emergent political milieu in the aftermath of the Chinese incursions, it is possible to argue that Nehru might have succumbed to a similar pressure when the Chakmas from East Pakistan sought asylum in India in 1964, after Elwin was dead, or might have thought on his own to settle these hapless refugees in NEFA with the ostensible purpose of

using them as a 'buffer population' in the event of future skirmishes with the Chinese. In this context, it may be significant to look at the argument of Tapan K. Bose who, while dwelling on the refugee situation in South Asia, argues that refugees and migrants are often used by the states in the region for deriving 'political leverage'. As noted by him:

Given the hostile relations between the states of South Asia, it is natural that the host countries have tried to use refugees and migrants for political leverage and often for interfering in the internal affairs of neighbours. In some cases these helpless persons have been used as a buffer population by the host country. Chakma refugees were settled in the then remote North Eastern Frontier Agency (NEFA) of India, bordering China as a protection against Chinese incursions in that area after the Sino-Indian war. (Bose 1997: 62)

A similar observation by yet another commentator suggests the same logic:

Perhaps the Government of India contemplated this scheme [settlement of the Chakmas in Nefa] in view of the potential Chinese threat following the Sino-Indian war of 1962 ... it was believed that those seeking sympathy from the Indian State could secure the Indian nation against potential Chinese aggression. A section of these people could also be utilized in future by the Indian army and intelligence agencies for the sake of controlling Mizo and Naga insurgencies in the northeastern India. (Chaudhury and Biswas 1997: 141)

Given the changed political context in the aftermath of the Chinese aggression and the consequent near universal condemnation of Nehru-Elwin policy on NEFA, the philosophy of 'make haste slowly' came to be replaced by what can cryptically be called the philosophy of 'make haste rapidly'. The military and strategic fiasco during the China war marked a radical break from its earlier policy of letting the tribals develop at their own pace, leading to 'a frenzy of road-building and development work in NEFA to bring the remotest of places onto the road map. A heavier form of authority was established, new administrative norms were laid down and the earlier concept of letting the "tribals develop at their own pace" was virtually abandoned' (Hazarika 1994: 128-29).

The pace of political transformation witnessed in NEFA in the post-1962 period and particularly after the death of the 'two visionaries'—Nehru and Elwin in 1964—was, if anything, 'spectacular' (Chowdhury 1989: 33-53). Under the Chairmanship of Daying Ering, an Adi from the Siang district of NEFA, a Commission was set up to make recommendations for NEFA's future constitutional setup. As a result, the North East

Frontier Agency Panchayat Regulation was introduced in 1967 at the insistence of the Ering Commission. Soon thereafter, NEFA was formally bifurcated from Assam and constituted as a Union Territory under a Chief Commissioner in 1972. The Agency Council was converted into a Provisional Legislature in 1975 and the first popular elections, on the basis of adult franchise, to the Provisional Legislature was held in 1978. The first elected government thus came into existence in March 1978. And finally, the political evolution of the formerly 'excluded area' had come a full circle with the grant of statehood in 1987. Both Nehru and Elwin could have never visualised by any stretch of imagination the pace at which NEFA came to be transformed, for they had all along advocated a slow and gradual process of change.

NOTES

1. Taking on from Baruah who most fittingly applies the logic of nationalising space in the specific context of Arunachal Pradesh and only broadly in the context of the Northeast region, I extend it a little beyond the Northeast region to include the CHT in Bangladesh within its purview. This helps us reiterate the well established argument as to how frontier tracts in South Asia have been historically treated as regions bereft of any distinct history and identity not deserving of any serious attention. Also, it helps us understand how the widespread prevalence of a strong sense of territorially-anchored 'pan-nationalist' identity unproblematically subsumes other minority ethnic nationalities in the region.
2. In addition to Kasalong, there were six other resettlement areas which together could attract a little over 40 per cent of the total displaced people. These were: Chengri Valley, Myani Valley, Feni Valley and Ramgarh, Circum-Rangunia, Karnafuli-Sangu interfluvium, and Sangu and Matamuhari Valleys.
3. This meeting between Sheikh Mujib-Ur-Rahman and a delegation of the hill people led by Manabendra Narayan Larma, an independent Member of Parliament at that time, which took place on 15 February 1972, hardly lasted for five minutes. Some of the demands that the Chakma delegation put before Sheikh Mujib were as follows: (a) autonomy of the CHT with its own legislature; (b) retention of the 1,900 regulations in the Bangladesh constitution; (c) continuation of the Tribal Chiefs office and (d) constitutional provisions restricting the amendment of the regulation and imposition of a ban on the influx of non-tribal people.
4. However, the *People of India* project in its volume on Arunachal Pradesh under the general editorship of K.S. Singh identified 66 communities in the state in all. These communities, according to its findings, together constitute approximately 80 per cent of the total population of the state (K.S. Singh 1995: 19–20).

Politics of Demographic (Dis)order in Northeast India: The Idiom of Protest

Seven states—Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura—together constitute what has come to be known as Northeast India. The fact that these states are also called 'seven sisters' indicates that they are seen as one family, organically linked by a natural region. Nothing could be farther from the truth, however. The region is, in fact, a postcolonial construct (Bhaumik 1998: 310–27). There are others who find the very concept of 'Northeast' to be problematic on several counts. Sanjoy Hazarika is palpably puzzled by the use of the generic category, which he finds difficult to justify:

...a look at this area, specially the region known rather ironically as the Indian Northeast, presents a problem. One runs into a discordant note, that of terminology, of identification. What is this entity called the 'North East'? North of what? East of where? A cursory look at the map shows it to be north of Bangladesh and Burma and east of Bangladesh, rather than of India. Indeed, linguistic, ethnic, historic and other traditions link it closely with Southeast Asia although decades of economic relations with the rest of India tie it firmly to New Delhi'. (Hazarika 1996b: 66)

Although Hazarika finds 'Far East' to be a far more appropriate substitute for what has come to be known as the Northeast, he nevertheless uses both the terms interchangeably. Similarly, Sanjoy Ghose views the concept of a 'North East Region' to be a misnomer for he believes that '...each state has its own identity, and unique set of issues' (1998: 146). Much like Hazarika and Ghose, Udayon Misra also finds the concept of NorthEast to be an

'illusive construct'. As he puts it, '...though geographically, and also at times politically, it might appear to be convenient to refer to the region as the North-East, yet it would be wrong to steamroll the different histories and cultures of the people inhabiting this area under the blanket term, "North East"' (Misra 2000: 3). In yet another conceptualisation of the term, B.G. Verghese (1997) remaps the whole region by incorporating within its ambit both Sikkim and Darjeeling on the basis of 'striking similarity' that they share with the rest of the region. One of the most scathing attacks of the construct of 'Northeast' has been recently advanced by Baruah, who adds a caveat before using it as a unit of analysis: 'an official region does not necessarily imply a regional consciousness corresponding to it' (Baruah 2005: 4). Expressing his reluctance in using the term, he further notes:

The term Northeast India points to no more than the area's location on India's political map. Such generic locational place-names are attractive to political engineers because they evoke no historical memory or collective consciousness. Indeed it is perhaps a reflection of the lack of emotional resonance of the term that in everyday conversations one hears the English word 'Northeast' and not the available translations of the word into the local languages. People tend to use the English term even when speaking or writing a regional language. Unlike place-names that evoke cultural or historical memory, the term Northeast India cannot easily become the emotional focus of a collective political project. (Baruah 2005: 4–5)

Interestingly, there was virtually no conception of this region when the British conquered Assam and other hill areas located between Bengal and Burma towards the end of the 19th century. Although Assam came within the 'British orbit of influence' in the wake of the treaty of Yandaboo in 1826 signed in the aftermath of the defeat of the Burmese, the British could exercise effective control over the region only from 1878 onwards when they set up civil and political headquarters at the Angami Naga village of Kohima (Rustomji 1983: 22–23). The conquerors evolved the concept of a 'north-eastern frontier', which later got re-conceptualised as a region in postcolonial India. The partition of the subcontinent in 1947 reinforced the idea that 'Northeast' was a distinct region. The expression has since caught on.

For well over sixty years, the dominant worldview in mainland India thus continues to paint the Northeast and the people of varied ethnic origins and cultures therein with a broad stroke of the same brush.

Such misconceptions of the region and its people have often been explained in terms of appalling ignorance and complete lack of sensitivity or interest on part of both the 'mainstream' political leaders and the general public (B.P. Singh 1987; Hazarika 1994; Rustomji 1983). Students from the region studying in different parts of India often resent the fact that they are referred to as *Chinkis* (a derogatory term used to highlight the distinct physical attributes of the people from the region as compared to the people in mainland India) and that they are seen as easy-going with a loose morals. Contrary to such unfounded misperceptions, the indigenous peoples of Northeast India are far more liberal in their outlook towards life, and treat their womenfolk with much respect and dignity which can easily become an object of envy for those living in the Hindi heartland and other parts of mainland India.

Given the extent of ignorance and indifference in 'mainstream' India towards the Northeast region and its people, Manipur and Meghalaya or the Meitis and the Khasis are generally treated as one and the same. Much against this dominant perception, the Northeast is highly heterogeneous in all aspects of life. Differences exist at all levels. Be it in the areas of ethnic make-up, cultural moorings, religious beliefs or linguistic affinities, the states in the region differ vastly from one another (B.P. Singh 1987: 258). Even within a given state, differences exist in terms of ethnic composition, religious practices and linguistic usages between different groups of people.¹ One may as well wonder if there are any features at all which justify the usage of the concept of Northeast as a generic category for the whole region.

What probably strings these states together, then, is their physical isolation. Northeast clings tenuously to the Indian mainland through a small 21-kilometre-wide corridor (metaphorically called 'chicken's neck') in North Bengal. There is an all-pervasive feeling of psychological isolation or alienation, made worse by an overwhelming fear of demographic invasion by 'foreigners' and a widely held perception that the rest of India does not bother about them (Ghose 1996; Hazarika 1994: 249-75; Hazarika 1997; Mitra 1996). The expression 'foreigner' has a peculiar connotation in the region. In addition to the foreign nationals, foreigners are also those Indians whose roots lie outside the region. This is so because much like foreigners, such Indians are strongly identified as 'exploiters' (Hazarika 1996b: 65; Nayar 1996). Tripura and Sikkim, where the

indigenous peoples have been reduced to pathetic minorities in their own land, serve as dreadful examples to the people in other states who fear they may also meet the same fate. Such apprehensions get reinforced by a long tradition of migration, both internal and international, into the region starting right from the turn of the century.

LAND OF THE MIGRANTS

Migrants of all kinds—political refugees, proactive or economic migrants, environmental refugees—have come in, at times in a torrent and at others in a trickle. However, the phenomenon assumed gigantic proportions in 1971 when an estimated 10 million East Pakistanis took refuge in different states of the northeastern region in the wake of the military crackdown on the Bengali freedom fighters. The precise number of officially recorded refugees from East Pakistan, the present Bangladesh, was put at 9,544,012 in a report prepared by Senator Edward M. Kennedy under the aegis of the US Committee on Judiciary (Kennedy 1971: 5–7). While an overwhelming majority of the refugees voluntarily returned after the creation of Bangladesh as an independent state, many commentators believe that at least a couple of hundred thousands permanently stayed back who ‘... moved in with relatives and melted into the countryside, moving to distant villages, towns and cities—as far as Bombay’ (Hazarika 1994: 30). In a region where relations between the Indian state and the indigenous communities have long been problematic, leading to frequent outbursts of violence or protracted insurgencies, the issue of uncontrolled influx of migrants into the region has only aggravated the situation on the ground by sharpening the ‘we-they’ divide. The rise of violent ethnic conflict and prolonged insurgency in the Northeast is often explained by several scholars in terms of increasing pressures on land and consequent alienation of the indigenous peoples from their own land as a result of ever-growing immigration into the region (B.P. Singh 1987: 257–82; Baruah 1986: 1184–1206; Bhattacharya 1982; Hazarika 1993: 45–64; Weiner 1978).

The reasons why the issue of migration looms so large are thus both subjective and objective. At one level, one might argue that the ‘unrest on India’s northeastern borders has arisen not from want of goodwill on anybody’s part but from a failure of understanding’ (Rustomji 1983: 3). The indigenous minorities in the northeast are geographically concentrated

and have traditionally viewed external authority as an imposition on their semi-autonomous status (Zolberg et al. 1989: 138). Already uncomfortable with administrative penetration of the postcolonial state, they feel all the more threatened by the growing in-migration of the lowland people, refugee flow and illegal immigration from the neighbouring countries (Luthra 1998: 25–26). Fast eroding traditional values of the indigenous peoples in the wake of introduction of modern administrative structures coupled with an overwhelming fear of being swamped by outsiders are widely perceived as prime factors in triggering frequent armed rebellions in the Northeast.

Luthra attributes the outbreak of armed rebellions in the region to two factors: one, a peculiar penchant among the indigenous peoples to manage their own affairs, and two, a widespread and inherent fear among them of the possibility of alien people dominating their lives. Except for the Khasis, the Garos and the indigenous peoples of Arunachal, all other major communities of the region took to the warpath at some point of time or the other (Luthra 1998: 25–26). The revolt by the Naga people against the Indian state in 1953 was followed by the Mizos a little more than a decade later in 1966. The Manipuris continue to nurture a grievance against India, as they had played no role in the ‘illegal’ accession of Manipur to India in 1947. Tripura continues to be in the throes of violent insurgency movements for much the same reason, with more than over a dozen insurgent outfits active in the state.

A comparative analysis of the census figures for the period 1991–2001 conjures a disturbing picture of population growth in the region (Table 3.1). With the exception of Assam and Tripura, which recorded growth rates commensurate with the national average of 21.34 per cent (although they recorded very high growth rates during earlier census periods); all other states witnessed much higher growth rates.² Nagaland recorded the highest rate of growth in India with 64.41 per cent. Even a casual look at the demographic trends in other states of the region like Arunachal Pradesh, Meghalaya, Mizoram and Nagaland as well as in Assam’s two tribal districts (Karbi Anglong and North Cachar Hills) reveals a decline in the size of the indigenous population as a proportion of the total population (Baruah 2005: 50–51). On the basis of such a declining trend, Baruah argues that while it may not pose immediate threat to the majority status of the indigenous peoples in the region,

Table 3.1 Northeastern States: Demographic Trends (1961–2001)

States	Population 2001	% Growth 1991–2001	% Growth 1981–91	% Growth 1971–81	% Growth 1961–71
Arunachal	1,091,117	26.21	36.83	35.15	38.91
Assam	26,638,407	18.85	24.24*	23.36*	34.95
Manipur	2,388,634	30.02	29.29	32.46	37.53
Meghalaya	2,306,069	29.94	32.86	32.04	31.50
Mizoram	891,058	29.18	39.70	48.55	24.93
Nagaland	1,988,636	64.41	56.08	50.05	39.88
Tripura	3,191,168	15.74	34.30	31.92	36.28
India	1,027,015,247	21.34	23.86	24.66	24.80

Source: Baruah 2005: 50.

Note: There was no census in Assam in 1981. These figures are based on estimates of Assam's 1981 population made by India's Census Department.

the impending long-term political implications of such a trend cannot be wished away or glossed over. As he notes perceptively:

In frontier situations when indigenous populations engage in rebellions, immigrant groups typically function as a conservative force. Immigrant communities are unlikely to sympathize with pro-independence politics. They may even be targets of pro-independence militants, since their very presence embodies the project of nationalizing space that those seeking autonomy are trying to resist. In a political sense, New Delhi can therefore be seen as acquiring a large population base that can be mobilized as a counter-weight to pro-independence rebellions for which the indigenous populations are the actual or potential support-base. (Baruah 2005: 51)

Such phenomenal increase in population growth has often been explained in terms of a continuous and unabated inflow of people not only from the neighbouring countries, but also from other parts of India. 'This is not because these communities are more productive than other groups; the flow of people into their states from other parts of India, as well as Nepal and Bangladesh, continues unabated, despite government restrictions and threats' (Hazarika 1994: 324–25). Jyotirindra Dasgupta (1998: 189) too offers a similar explanation:

... the politics of this region has been deeply influenced by the influx of people from other regions as well as neighbouring countries like Myanmar and Bangladesh, notably the later. The population of the northeastern regions has grown at a substantially higher rate than that of the rest of India since the turn

of the century... That this big rise in number was not due to natural increase was obvious. The rising tide of immigration from Bangladesh and other regions of India were widely perceived as a major problem of the region.

REFUSING THE OBVIOUS: MIGRANTS FROM BANGLADESH

The scale of migration from Bangladesh to India may never be fully known, but its impact is seen to be 'severest on the ethnic, economic and ecological fabric of Northeast India and West Bengal' leading to the coinage of the phrase 'Bangladeshisation of India' (Hazarika 1992a). In the absence of any authentic figure on the total number of immigrants from Bangladesh in India in general and in the Northeast in particular, different sources hazard their own estimates. One such estimate notes: 'The migration from East Pakistan/Bangladesh to India has resulted in the creation of a sub-nation, the size of Australia, within India. This population of between 12 and 17 million has moved illegally, without proper visas, passports or documents and it has settled in northeast India' (Hazarika 1993: 52). Its impact on the ethnic, linguistic, religious, economic and ecological fabric of the host societies in the long run is often equated to that of an 'ethnic apocalypse' (Hazarika 1999).

In sharp contrast to the above, the official Bangladeshi discourse presents an altogether different picture. Successive Bangladeshi governments, both military and democratic, have vociferously maintained that none of their citizens has ever crossed into India illegally. From Pakistani Foreign Minister Z.A. Bhutto to Bangladeshi Prime Ministers Ershad to Sheikh Hasina to Khalida Zia, the issue of out-migration from East Pakistan/Bangladesh has been persistently denied and refuted. Z.A. Bhutto is quoted as having stated:

It is inconceivable that hundreds of thousands of Muslims ... would surrender the safety and security of their homeland in [East] Pakistan to migrate with their women and children to the uncertainty and perils awaiting them in a hostile land beyond the border. (Jha 1972: 276-77)

Similarly, General Ershad too, is reported to have once remarked: 'Why should Bangladeshis leave their country for an unknown future when we have peace, no communal disturbances, no food shortages (Ganguly 1992). Begum Khalida in her 1992 visit is reported to have told journalists

in New Delhi that '[m]igration from Bangladesh was not an issue at all since there was not a single Bangladeshi migrant in the country' (Bose 1992). In 2000, Sheikh Hasina Wazed, the then Prime Minister of Bangladesh, too continued with the by-now-well-established tradition of denial of infiltration from Bangladesh by observing: 'Why should Bangladeshis go to India? We do not accept that there is any Bangladeshi national living in India. So the question of deporting any Bangladeshi by the Indian Government does not arise' (*Assam Tribune* 2000).

On other occasions, officials of Bangladesh have maintained that '... its nationals prefer to go to the resource-rich Gulf where there are ample opportunities, rather than to India which can offer little' (Hazarika 1993: 48). Such determined refusal on the part of the Bangladeshi authorities to admit the obvious could also be seen from one of the frequent skirmishes on the Indo-Bangladesh border. In this bizarre incident, a group of Bangladeshi illegal migrants, who were picked up in New Delhi and were deported to the Indo-Bangladesh border, virtually came to be treated as 'shuttlecocks' as they were being pushed back and forth over the border by the Border Security Forces and the Bangladesh Rifles (Bose 1992).

Interestingly, despite such persistent denial by the Bangladeshi authorities, some of the academics and the press in Bangladesh do acknowledge the existence of the problem. Some intellectuals in Bangladesh have been stressing, for example, the 'right to have *lebensraum*, living space under the sun' and the need to establish a 'New Demographic Order' which would enable 'nations with plentiful, cheap labor to send their workers across international boundaries' (Hazarika 1993: 24). This is further evident from an article entitled 'The Question of Lebensraum' published in a Dhaka weekly, which noted quite openly that 'a natural outflow... is very much on the cards and will not be restrained by barbed wire or border patrol' (Ganguly 1992).

Given the fact that Bangladesh is the most densely populated country in the world (approximately 1940 persons per square mile as per the 1991 census) and also one of the poorest countries in the world, this article was only stating the obvious—Bangladesh's inherent limitations in coping with its ever-increasing population. The article also pointed out the directions in which the flows would most probably occur. These were 'the sparsely populated lands of the South East in the Arakan side (of Burma) and ... the North East in the Seven Sisters side of the Indian

subcontinent' (Shourie 1993: 220). The article goes on to justify the policy that the Bangladeshi state has been pursuing in the Chittagong Hill Tracts: '... if we in Bangladesh ingratiate ourselves with the hill tribes within our borders, our bulging population might find a welcome in adjacent lands inhabited by kindred peoples' (Ibid.).

Alarmed by such suggestions, the General Secretaries of the Congress (I) in their 1992 report to the Seventh General Conference of the Northeastern Co-ordination Committee had thus noted:

... a group of intellectuals in Dacca is seeking to legitimize the migration of Muslims into the adjoining areas of North East region by invoking the theory of Lebensraum or living space. A number of Dacca dailies carried articles written on these lines by University Professors. They were not at all apologetic about the infiltration. People are sought to be inspired by the hope that one day the North Eastern region will be added to Bangladesh giving it a natural boundary in place of the present one, which throttles Bangladesh. (Shourie 1993: 300)

All these clearly establish the unabated and continuous flow of people from across the border into India. What does remain contested, however, is the actual number of migrants who have come in from Bangladesh and settled down in Northeast India. Different sources quote different figures. Our purpose here is not to get embroiled in the unending 'numbers game', but to simply examine the nature of impact, both real and imagined, of such transnational movement of people on the host societies. This is, however, not to deny or underplay the political use that different political parties invariably make of the numbers game. Gautam Navlakha (1997), in his perceptive study, does point out the importance of the 'numbers game' by arguing that in the absence of any authentic data on the actual numbers of Bangladeshi migrants in India, the issue of illegal immigration is often given political colour by exaggerating the numbers of such people. Particularly critical of BJP for its political manipulation of the issue, Navlakha shows how it '... openly discriminated between Bangladeshi Hindus whom they accept as refugees, and Bangladeshi Muslims who were branded as infiltrators, to be summarily deported'. While elaborating upon the significance of numbers game, he further argues:

In order to remove the sense of insecurity among people it is necessary for the government of India to go public on the debate on 'foreign nationals'. Since the number of foreign nationals varies between 0.5 to 25 million, it is necessary to

look into the matter of numbers and determine where they come from, that is Bangladesh, Nepal, Sri Lanka or Burma. (Navlakha 1997: 359)

Of the seven states, Tripura and Assam have been the hardest hit by the phenomenon of migration. Barring Sikkim, Tripura is the only state in India where the indigenous peoples have been reduced to a marginal minority in their own land.³ In what has been a fairly long tradition of migration into the state, the flight of 10 million Bengali Hindu refugees from East Pakistan to different Northeastern states and West Bengal in the wake of the military crackdown during the civil war of 1970–71 clearly stands out as the most prominent example. Even though an overwhelming number of refugees were quick in returning voluntarily to their homes after the emergence of Bangladesh as a sovereign state, a not-too-insignificant number of them decided otherwise. Of the roughly 2–3 hundred thousands who stayed back in India, a significant number settled down in Tripura. In addition to this particular episode, migrants have been historically thronging the state of Tripura from all over India and the neighbouring countries right since the colonial period.

The extent of marginalisation of the indigenous peoples as a consequence of migration over the years can be gauged from the fact that while 93 per cent of Tripura's population of 600,000 comprised of indigenous peoples in 1947 by 1981, they had been reduced to a mere 28.5 per cent (Hazarika 1994: 123–24). As a result, the indigenous peoples have not only been outnumbered, they have also lost economic and political hegemony which they once enjoyed. The ensuing ethnic unrest in the state led to the emergence of the Tripura Volunteer Force, later Tripura National Volunteer Force (TNV) under the leadership of Bijoy Hrangkhawl, an educated Kuki, who fashioned his own notion of tribal autonomy. In a letter written to Indira Gandhi, the then Prime Minister of India, dated 17 March 1983, Hrangkhawl is reported to have conveyed:

Armed insurgency was necessary to reach your heart ... Either deport all foreign nationals who infiltrated into Tripura after 15 October 1947 or settle them anywhere in India other than Tripura. Restore tribal majority interest. It may not matter to you much, but delaying implementation of our demands means the TNV will fight for total self-determination. We demand a free Tripura. (Verghese 1997: 176)

Faced with Bengali hegemony, '... the indigenous peoples have taken up arms and have been killing Bengali settlers with some regularity' (Zolberg et al. 1989: 139). TNV was instrumental in one of the worst ethnic killings in Tripura. Things became further complicated when in a reaction to the anti-Bengali backlash, a pro-Bengali group called Amra-Bengali came up apparently with Congress backing. Amra-Bengali reciprocated by killing the members of indigenous ethnic groups wherever they were found in small numbers. However, the dramatic 1988 peace accord signed between Bijoy Hrangkhawl and the Indian government did reduce the level of violence with the promise of deportation of illegal aliens from Bangladesh and redistribution of illegally occupied lands among the landless local ethnic people. Even after two decades the accord has clearly failed to cut any ice, as the anti-Bengali resentment continues to simmer since not enough land has been distributed among the dispossessed ethnic peoples. Voicing the concerns of the marginalised indigenous ethnic communities, Hrangkhawl has unambiguously conveyed on more than one occasion that they might once again take to arms, if nothing radical is done to restore the land to its lawful claimants. The formation of Indigenous People's Front of Tripura in the early 1990s under his leadership has added a new dimension to the already volatile ethnic situation in the state. The Front believes that conversion of the Autonomous District Council Area into a full-fledged state and introduction of Inner Line Regulation in the proposed state may help restore some of the lost rights of the indigenous peoples.

Several other militant outfits like the National Liberation Front of Tripura (NLFT), All Tripura Tiger Front (ATTF) and the Tripura Resurrection Army (TRA) have also hardened their stance on the migration issue on receiving support from ultra militant groups like Nationalist Socialist Council of Nagaland (NSCN) and the United Liberation Front of Assam (ULFA). Much on the lines of NSCN and ULFA, these militant outfits also demand the creation of a sovereign state, and expulsion of all those who entered Tripura after October 1949—the date of its merger with the Indian state (Barpujari 1995: 54).

Assam is another Northeast Indian State where the issue of immigration has continued to occupy the centrestage of politics ever since the students-led 'anti-foreigner' movement began in 1979. The history

of immigration into the state actually goes back to the 19th century when the British had transported large numbers of tea plantation labourers into the area. While the issue of immigration did result in political instability in the area prior to the partition of India in 1947, it was only in 1979 that it reached a flash point with unprecedented politicisation of the foreigner issue by the All Assam Students Union (AASU).

The first large-scale Muslim migration from East Bengal into Assam took place in 1941 under the then Muslim League Ministry headed by Syed Mohammad Saadulla. His Land Settlement Policy in that year opened the floodgates to immigrants, '...allowing them to settle on government land anywhere in Assam and enabling them to seize as much as thirty bighas of land and more for each homestead' (Hazarika 1994: 58–59). Saadulla is reported to have boasted to Liaquat Ali Khan in a letter written in 1945: 'In the four lower districts of Assam valley, these Bengali immigrant Muslims have quadrupled the Muslim population during the last 20 years' (Ibid.). All this precipitated a fierce battle between the Congress and the Muslim League over the immigration issue, which was soon hijacked by the students who mobilised popular support against the ruling government, leading to the fall of the Saadulla ministry.

This episode witnessed the beginning of the rise of a new political force in the state in the form of students' active participation in political issues. Their involvement in politically volatile issue like migration reached its peak during 1979–83 agitation when they came out with a ringing catch-all slogan 'no deportation, no elections'. This slogan which became an integral part of popular political chorus in Assam during the early 1980s continues to be sung even today not only in Assam, but all other Northeastern states reeling under the pressure of migrants.

The period between independence and Assam movement that began in 1979 did witness a phase of relative political stability in the state owing to the centrality of the language issue and a tacit agreement among political leaders not to raise this explosive issue of migration during this period. However, the issue of Assam's demographic transformation as a result of immigration, as shown by Sanjib Baruah, bounced back to the state's political agenda with a 'vengeance' in 1979. As noted by him (Baruah 1986: 1191): 'It [the anti-foreigner movement] ruptured carefully nurtured ethnic coalitions that were at the foundation of political stability in the state, setting the stage for a prolonged period of political turmoil.'

Furthermore, Weiner's 1978 study of migration in India not only revealed the extent of migration into Assam by providing a detailed comparative statistics of its population growth since the beginning of the 20th century, but also served as an eye opener for the Assamese middle class. Treating 1901 as the base year in which Assam's population was 3.3 million and comparing its average growth with the rest of India over a period of seven decades, Weiner estimates that its population should have been 7.6 million in the late 1970s and not 15 million, a whopping difference of 7.4 million. He attributes the quantum jump in the average growth of population in the state to large-scale migration which had started in all earnest way back in the middle of the 19th century itself. The same trend could be seen between 1961 and 1971 when 'the population of Assam increased by 34.7 per cent, as against 24.6 per cent for India as whole' (Weiner 1978: 81–82).

The militant democratic students' agitation in Assam over the foreigner issue, though largely peaceful, eventually culminated in the worst ethnic carnage in India's post-independence history between Assamese indigenous peoples and the migrant Bengalis in 1983. The worst affected areas were Nellie, Chaygaon and Gohpur. The extent of violence and the resultant loss of life in the early 1980s have remained unsurpassable in the whole country, 'including the anti-Sikh pogroms of 1984 in Delhi, the anti-Muslim riots of Bombay in January 1993 or religious rioting in 1990 and 1992 over a disputed shrine at Ayodhya, Northern India' (Hazarika 1993: 58, 60). He puts the death toll at 5,000 in addition to thousands who had become homeless.

Most scholars attribute the main reason behind this to political competition and the ruling party's vested interest in allowing illegal migration from Bangladesh in order to build up their 'vote banks'. However, there are some who locate the roots of massacres at Nellie, Chaygaon, Gohpur and elsewhere in land and forest disputes. Hazarika, for example, argues that in most cases the victims were Bengali Muslim migrants who had taken over lands, as in Nellie, from the Lalung or other tribal groups. As he puts it: 'These disputes had simmered for years and the bizarre elections of 1983 gave them an outlet' (Hazarika 1992b). Similarly, Verghese also traces the roots of such massacres to the land question: 'Tribal identity and livelihood is closely tied to the land and forests. The steady erosion of tribal blocks and belts over the years for development purposes and by

encroachers, including illicit immigrants, had sharpened discontent. The Nellie massacre was a byproduct of this anger' (Verghese 1997: 45).

Paradoxically, the migrants continue to pour in despite governmental restrictions and peoples' protests. This has clearly made the phenomenon of migration a dominant, 'all-consuming' issue in the everyday politics of Northeast India. What accounts for this is not merely the fact that migration invariably puts unprecedented pressures on natural resources such as land, water and forests, but also leads to ethnic contests over the control of these resources between the indigenous peoples and the migrant population. Already reeling under a heightened sense of perceived threats of 'cultural annihilation' and loss of economic and political hegemony, the indigenous ethnic communities in such situations tend to equate loss of land with a loss of identity and culture. The widespread prevalence of the framework of fear and resistance to outsiders in the Northeast region thus emanates from a popular perception of failure of the Indian state to regulate or control the flow of people into the region.

RISE OF ANTI-FOREIGNERS MOVEMENT IN ARUNACHAL PRADESH

The genesis of the anti-foreigners movement in the state can be traced back to 1975 when the People's Party of Arunachal (PPA) raised the Chakma issue for the first time during the first popular elections to the Agency Council when Arunachal was a Union Territory. The issue was raised by the PPA as it believed that if the Chakmas were accorded citizenship status and voting rights they would be the deciding factor in the elections in Diyun and Bordumsa circles in Changlang district (the only general seat in what is presently 60-member Arunachal Pradesh Assembly) where the Chakmas were numerically dominant.

Not that no opposition was expressed to the resettlement scheme of the Chakmas when they were actually being resettled during 1964–69, but the protest of the indigenous peoples went unheeded in the absence of a popularly elected government in NEFA which was at that time directly governed by the central government through the Governor of Assam. This is evident from the manner in which the Chakmas came to be settled in NEFA following a brief communication between the Governor and the Chief Minister of the then Assam. Vishnu Sahay, the Governor of Assam is reported as having communicated in his D.O. letter no. 71/64 dated 10 April 1964 to B.P. Chaliha, the Chief Minister of Assam:

It occurs to me that we may get trouble between the Mizos and the Chakmas in the Mizo District. These Chakmas would be quite suitable people to go to the Tirap Division of NEFA where there is easily found vacant land in the area about which you and I have often spoken. (Government of Arunachal Pradesh 1996: 47)

This is how the Chakmas landed in NEFA (D.K. Singh 2001b). Despite being issued valid migration certificates at the time of their arrival in India and repeated assurances from the central government to grant them Indian citizenship, the Chakmas have continued to remain stateless.

ROLE OF ALL ARUNACHAL PRADESH STUDENTS' UNION (AAPSU)

Ever since the All NEFA Students Union, the forerunner of All Arunachal Pradesh Students' Union (AAPSU), was formed in 1967, the Chakma issue has been on the top of its agenda. However, it was in the early 1980s that AAPSU started voicing the concerns of the indigenous peoples in a systematic and consistent manner over the long festering Chakma issue in the state. In a state with a strong tradition of single-party dominance where Congress has ruled for a major part of its political life, the opposition exists only in name. The Congress has dominated the political scene in the state since the days of the Agency Council in the late 1970s when it was a Union Territory. This has further been accompanied by a rather long tradition of politics of defection in the state.

The first casualty of such a trend was the 17-month-old Janata government headed by Arunachal's first Chief Minister Prem Khandu Thungoon who had to quit office on 6 September 1979 when 17 of the 21 Janata members of the Assembly resigned from the party (Chawla 1979). However, the cloud of political uncertainty hovering over the Union Territory came to an end after 11 days when the then President of India, Sanjiva Reddy appointed a new five-member cabinet headed by 33-year-old former Agriculture Minister Tomo Riba who was then heading the newly formed United People's Party of Arunachal Pradesh (D.K. Singh 1998). This new political formation had come into existence after the merger of the erstwhile People's Party of Arunachal and the dissident members of the Janata Party. Barely into the seventh week of its rule, Riba's government was reduced to a minority with five of its defectors joining Indira Gandhi's Congress in 'the hope of making capital out of the political changes likely to occur in New Delhi after the Lok Sabha elections'

(Chawla 1979). Despite much hobnobbing by the Congress (I) leaders like Pranab Mukherjee with the Congress unit in Arunachal with a view to installing a Congress-led government in the assembly, Lt Governor H.N. Haldipur thwarted all such attempts by recommending the dissolution of the assembly. Even the outgoing Chief Minister Riba was reluctant to see a Congress (I) government assuming office and recommended the same. As noted by Prabhu Chawla (1979):

Dissolution of the 33-member Arunachal Pradesh Assembly, and imposition of President's rule last fortnight, brought to an end a political melodrama which assumed all the dimensions of a burlesque. Arunachal Pradesh, a tiny hilly state on the Chinese border (population five lakh, and area 84,000 sq km) was brought under New Delhi's rule after witnessing the worst ever game of defections, in which over one-third of the MLAs changed sides more than twice within 48 hours.

This was just the beginning of what was to later emerge as a dominant trend in the politics of the state. However, the assumption of office in 1980 by the newly elected leader of the Congress (I) legislative party, Gegong Apang, one of the youngest Chief Ministers of India, had put a brake to the politics of horse-trading for 19 long years. Before he was unseated in 1999 by the same process of defection, he had broken away from P.V. Narashima Rao-led Congress (I) government at the centre over the vexed Chakma refugee issue in 1996 by forming his own party called Arunachal Congress. While his legislators had supported him then in switching sides *en masse* along with him, they turned against him in 1999, pulling down his 19 years long regime in the state:

Ironically, the day (January 19) Apang lost the vote of confidence in the state assembly was the very date in 1980 when he had just taken over as one of the youngest chief ministers in the country. A rising star in the state's political firmament then, Apang, by the time he was forced to leave the gaddi [seat of power], had become extremely unpopular with his colleagues for his autocratic ways. (Gokhale 1999)

As Tadar Taniang, a close colleague-turned-foe is reported, in the above magazine, to have remarked: 'The long tenure of power had made Apang very dictatorial in all his dealings. He would insist on keeping everything to himself and his family. That attitude ultimately led to his downfall' (Gokhale 1999).

Apang was replaced by his former Home Minister Mukut Mithi through the same game which Apang had mistakenly believed he had complete monopoly over. Mithi floated his own party called Arunachal Congress (M) before assuming office which, however, soon merged with the Congress (I) and helped restore its lost dominance in the State (*Indian Express* 2000). Having lived in a state of political wilderness for four years, Apang who was down, but not out, bounced back to power after pulling off a 'virtual coup' toppling the Mukut Mithi government (*Tribune* 2004). This time round Apang had formed a new political outfit called the United Democratic Front and soon joined the BJP at the centre, allowing the BJP in the process to have its maiden government in the Northeast India. However, the political honeymoon with BJP proved awfully short-lived, as Apang chose to recommend the dissolution of the house just about two months ahead of the end of its term on 7 July 2004. A month later, Apang returned along with his flock to the Congress fold on the eve of the assembly elections as a caretaker Chief Minister. His return was welcomed forthwith, with the CWC in-charge of Arunachal, Ramesh Chennithala, announcing it as 'homecoming' after a gap of eight years. While the decision to return was perceived as a huge setback by the BJP, Mukut Mithi, the one-time arch-rival of Apang brushed aside all allegations which he was charged of levelling against Apang by stating: 'We have now decided to bury the past. We are now looking at a new future' (*Ibid.*).

Emerging victorious in the elections, Apang returned to power in the state heading a Congress government for his 21st year as Chief Minister, a record which is surpassed only by Jyoti Basu in West Bengal. Two-and-a-half years later in April 2007, luck once again went out of favour for Apang who had to step down in the face of growing dissidence against him by a majority of ruling Congress MLAs. As many as 27 of the 33 Congress MLAs in the state had revolted against what they called 'corrupt' and 'autocratic' functioning of Apang and demanded his immediate removal. State Power Minister Dorjee Khandu, a Monpa Buddhist from the strategically sensitive Tawang, finally replaced Apang as the new Chief Minister at the end of a week long tug-of-war for power.

Such a trend of supporting and forming governments with the party in power at the centre has come to be viewed in the 'mainstream' understanding as representative of the dominant political ethos widely prevalent in the Northeast region. While political expediency on the part of the

ruling elite in the region to do so might well be true, justifying their need to remain close to powers that be, such a trend of 'dependency syndrome' could also be seen as reflective of a deep-seated insecurity arising from the extent of neglect and indifference of the region in the mainstream consciousness. Already marginalised and alienated from the mainland, the general sense of fear that remaining de-linked from the party in power at the centre could lead to their further marginalisation may not be out of place or unfounded.

It is against such a backdrop, as outlined here, that the AAPSU which enjoys massive popular support both from the student community of the state and the people at large, has emerged not only as the most influential oppositional force in the state, but also as the most articulate spokesperson of the people on several issues—the most important of which is the Chakma question. This is evident from the fact that none of the Chief Ministers of the state has ever sought to question or curb the anti-foreigners movement being spearheaded by the AAPSU with the exception of Apang who did try to quell it in the early 1980s. It was in response to a two-day Arunachal *bandh* (strike) call given by AAPSU in early 1980 to pressurise the government to accept its demands, including expulsion of the Chakmas from the state in addition to all other foreigners that Apang had decided to go on air to persuade the students to give up the path of confrontation. Apang is reported to have appealed to the students in his broadcast from Dibrugarh radio station in Assam not to disturb the law and order situation in the state by embracing the path of agitation as 'all foreigners will ultimately have to go back to their own places as no outsider can settle here permanently under the inner-line permit system' (*Indian Express* 1980).

Unconvinced by the explanations offered, the spate of *bandh* calls became rather frequent over the years, culminating in police firing on a mob of students on 3 February 1986 in which Kipa Kache, a senior secondary school student, was killed, sparking off an even strident response from the students' body over the foreigners' issue (Dutta 1998). Reading the mood of AAPSU and sensing its huge support base, Apang thought it prudent to give up his recalcitrant stance on the issue and took a big U-turn, so much so that he even chose to break away from Congress over the issue in 1996. Even during this period almost all the prominent opposition leaders of the state like Tomo Riba had openly

aired their concern against the increasing number of foreigners/outsidere in the state, thus expressing full solidarity with the AAPSU-led movement (*Indian Express* 1980). All Chief Ministers have gone on record registering their protests against the Chakma refugees by supporting the AAPSU. Dismissing the AAPSU thus as a body comprising of 'pampered' students (Gupta 1982) or as a 'private entity' (Limpert 1998) may thus be a little too harsh or presumptuous.

While the views of Apang, who has been the longest serving Chief Minister of the state, are taken up in detail in Chapter 5, the discussion here is mainly confined to the other two Chief Ministers. Mukut Mithi, ever since he assumed office in 1999, has been consistently maintaining that Chakmas must leave the state, as they pose a direct threat to the demographic balance of the areas in which they have been settled (*Hindustan Times* 2009). More recently, the present Chief Minister, Dorjee Khandu urged the Prime Minister Manmohan Singh to constitute a high level committee to find a lasting solution to the vexed issue. He also submitted a memorandum to Singh in which he pointed out that the issue had been a matter of 'simmering discontent' among the indigenous peoples of the state for the last four-and-a-half decades. Expressing his concern at the rapid population growth of the refugees which poses grave threat to the ethnicity of the local indigenous peoples, he remarked: 'If the present trend is allowed to continue, the ethnic population will soon be reduced to a minority' (*Oneindia.in* 2008).

Although initially AAPSU wanted all foreigners living in the state—Chakmas, Tibetans, Hajongs, Nepalis, Yobins and Bangladeshi Muslims—to leave Arunachal Pradesh, it later narrowed down its list and started focussing its attention exclusively on the Chakmas as they not only constituted the single largest ethnic block among the 'foreigners', but also because they alone were demanding citizenship (Karmarkar 1994: 42). The inclusion of Yobins, numbering around 1500, in the list of foreigners was, however, a *faux pas* as AAPSU was not aware of the fact that Yobins were, in fact, Indian citizens. The Yobins, according to the *People of India* survey, are amongst the last of the migrants to have come from Myanmar and settled down in remote areas of present day Arunachal along the Myanmar border. The inclusion of Tibetans in the list of foreigners, which was prompted by the decision of a Tibetan monk, Rinpoche to contest in the Assembly elections was also dropped from

the same as it was soon realised that it would have adverse impact on the economy of the state which was drawing handsome revenue from the sale of Tibetan handicrafts, particularly its exotic carpets. The Tibetans were settled in NEFA in 1959 when the Dalai Lama entered India via Kameng district of present day Arunachal Pradesh and took political asylum in India. The Hajongs, who came from the Mymensingh district of erstwhile East Pakistan and are Hindus, are too small in number to pose any serious threat to the demographic balance in the state and have also never insisted on the grant of Indian citizenship.

DEFINING THE FOREIGNER

The backdrop to the AAPSU-led anti-foreigners movement was provided by the 1992 Gauhati High Court verdict in *Khudiram Chakma v. the Union Territory of Arunachal Pradesh*, which declared that the Chakmas living in Arunachal were 'foreigners' who could be asked by the state authorities to pack up and leave if their presence was found to be in violation of established legal norms. Although the present case arose as a result of an eviction notice issued to the Chakmas by the state authorities on the ground that the Chakmas' possession of land was illegal as they had strayed away from the area earmarked for them under the Chakma settlement scheme during 1964–69, AAPSU was quick to capitalise on the High Court's verdict which declared the Chakmas as 'foreigners' in its long-drawn movement against them. Drawing inference from the Indian Citizenship (Amendment) Act, 1985 on account of the Assam accord, the Gauhati High Court bench comprising Chief Justice U.L. Bhat and Justice D.M. Baruah ruled that as Section 6-A (2) does not apply to the Chakma residents in Tirap district of Arunachal Pradesh in view of the definition of 'Assam' as per Section 6-A (1) (a); they are deemed to be 'foreigners' and not residents of India (*Khudiram Chakma v. Union Territory of Arunachal Pradesh* AIR 1992 Gau 105).

While Section 6-A of the Indian Citizenship Act confers citizenship on all persons of Indian origin who came to Assam before 1 January 1966, Assam is so defined in Section 6-A (1) (a), that is, Assam as constituted immediately before the commencement of the Citizenship (Amendment) Act, 1985, that it clearly deprives the Chakmas of Arunachal Pradesh of the benefit of Section 6-A (2) of the Indian Citizenship Act. Since the Chakmas in question were ordinarily not residents of Assam but of

Arunachal Pradesh in 1985, they did not come within the purview of Section 6-A (1) (a) of the Indian Citizenship (Amendment) Act, 1985. The judges also ruled *inter alia* that Article 19 conferring fundamental rights on the citizens of India is not applicable to them even while Article 21 dealing with any person's right to life and personal liberty is. However, it may be significant in this context to note the observation of Delhi-based human rights group *Peoples' Rights Organization* that 'the issue of applicability of Article 14 dealing with Equality was not agitated in the present case and hence no ruling on its relevance was made' (*Peoples' Rights Organization* 1992: 4).

Be that as it may, the 1992 Gauhati High Court ruling does highlight the fact that the Indian Citizenship (Amendment) Act, 1985 is not free from problems. This is more than evident from its narrow and limited application as highlighted in the Report by *Peoples' Rights Organization*. This Report clearly points out that the persistent denial of citizenship rights to the Chakmas and Hajongs is 'palpably discriminatory' and 'violative' of Article 14 of the Indian Constitution according to which, '[t]he State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India'. Read with Article 21, the Report further points out, '[n]o person shall be deprived of his life or personal liberty except according to procedure established by law', and the judgment in the case of *Maneka Gandhi* that the procedure established by law should itself be 'just, fair and reasonable'; Article 14 or 'Right to Equality' would imply that Section 6-A discriminates between a Chakma or Hajong who migrated from erstwhile East Pakistan before 1 January 1966 to India and is presently settled in Arunachal Pradesh and another Chakma or Hajong who migrated at the same time but is now settled in Assam as presently constituted. According to Section 6-A, the latter would be entitled to Indian citizenship whereas the former would not be. This is thus clearly violative of Article 14 read with Article 21 and the judgement in the *Maneka Gandhi* case (*Peoples' Rights Organization* 1992: 4-5).

The Report also highlights certain anomalies and incongruities in the Citizenship (Amendment) Act, 1985 by illustrating the example of a Hajong who had migrated to India in 1964 from East Pakistan and obtained Indian citizenship in 1971, but had to forego the same in 1985 as he was not a resident of Assam when this Act came into force, a mandatory

condition for anybody before staking a claim to Indian citizenship as per the terms and conditions of the Assam Accord on account of which this amendment was made. The Report thus concluded:

The case is important not because it highlights that a citizen enjoys the fundamental right to movement (Art 19) and that a person can not be deprived of the citizenship merely because his State of residence has changed, but because it brings out clearly [the fact] that Indian citizenship cannot be made to depend on which particular State or Union Territory a person is presently situated [in] or resident of. (Peoples Rights Organization 1992: 5)

Denied citizenship status and possession of land by the Gauhati High Court, the Chakmas moved the Supreme Court of India for redressal. The Supreme Court in Civil Appeal Nos. 2182/93 with 2181/93 dated 27 April 1993 known as *State of Arunachal Pradesh V. Khudiram Chakma* upheld the Gauhati High Court verdict by ruling in favour of the state government in a dispute over land rights between the state and 57 Chakma families (*State of Arunachal Pradesh v. Khudiram Chakma*, AIR 1994 SC 1461). Under the Assam Accord, codified at Section 6-A of the Citizenship Act, the Supreme Court declared the Chakmas to be non-citizens as they were not ordinarily resident in Assam, but rather in Arunachal Pradesh. While holding that foreigners are entitled to fundamental rights under Article 21, that is, right to life and liberty, the Supreme Court held that it does not, however, include the right to reside and settle in this country as provided under Article 19(1)(d) and (e) of the Constitution. Thus the Supreme Court held that foreigners cannot invoke Article 14 to obtain the rights that are granted only to citizens under Article 19(1)(d) and (e) of the Constitution.

Given the fact that the land was acquired by the Chakmas against the provisions of existing laws, the Supreme Court overruled the decision of the High Court to award compensation on the ground that this was not a fit case for awarding compensation. Thus the Supreme Court allowed the appeal filed by the state of Arunachal Pradesh and dismissed the appeal by Khudiram Chakma.

The linkage of the question of Chakmas' citizenship with land rights in Arunachal Pradesh in the *State of Arunachal Pradesh v. Khudiram Chakma* by some scholars has, however, led them to argue that the Chakmas would not have been denied their rights over land if they were found to

be Indian citizens. For example, as argued by Limpert, '... only citizens were permitted to purchase land in protected areas under the Foreigners Order of 1948. As Arunachal Pradesh was declared a protected area under the Government of India Act, 1935 the Chakma families' acquisition of land outside the Chakma Allotment Areas would be valid only if they were found to be citizens of India' (Limpert 1998: 44). This, however, is a misplaced contention and patently untrue as it fails to take into account the specificities of land ownership laws as prevalent in the state of Arunachal Pradesh. The Foreigners Order of 1948 and the Government of India Act, 1935 when read with the Sixth Schedule of the Indian Constitution and other constitutional protections applicable in the context of Arunachal Pradesh makes it amply clear that not all Indian citizens are entitled to lay claim over land in Arunachal Pradesh. Contrary to Limpert's contention, even if the Chakmas were found to be Indian citizens, this would not have entitled them to any legitimate claim over land, as land is exclusively under the control of the indigenous peoples of Arunachal Pradesh (*Government of Arunachal Pradesh* 1996: 6).

Drawing upon the above two verdicts, AAPSU hardened its stance by undertaking several demonstrations and processions against the continuing settlement of the Chakmas in the state and started demanding their ouster from Arunachal Pradesh on the ground that they were foreigners. What followed henceforth was the beginning of a popular 'Chakma Go-Back' movement spearheaded by AAPSU which served several quit notices asking them to leave the state (Chaudhury 2003). Interestingly, even the state government, which had come down heavily on the AAPSU leaders and its members by putting several of them behind bars in the formative years of their movement against the Chakmas, joined the students-led movement when it thought it was no longer possible for it to contain the rising popular aspirations of the indigenous peoples against the Chakma refugees (Dutta 1998). What further strengthened AAPSU's resolve to see the Chakmas out from the state was the growing determination of the central government to grant citizenship to the Chakmas. This was followed by a series of declarations by the Home Ministry in early 1990s that the Chakmas would be granted citizenship under the Indira-Mujib agreement of 1972. For example, the Union Home Minister of State, P.M. Sayeed, in his letter dated 7 July 1994 addressed to the Member of Parliament, Nyodek Yonggam from Arunachal Pradesh, had clearly stated that the

centre was seriously considering granting Indian citizenship to all those Chakmas who had come to India from erstwhile East Pakistan before 25 March 1971 (Government of Arunachal Pradesh 1996: 60). This provoked the AAPSU to serve a 'Quit Arunachal' notice laced with threats of 'dire consequences' to the Chakmas in August 1994, and fix 30 September 1994, later extended to January 1995, as the deadline for the central government to deport them from the state. It threatened: 'no deportation, no elections'. This created a panic among the Chakmas, particularly those living in the vicinity of Itanagar, the hub of AAPSU's political activities, leading to a flight of the Chakmas from their settlement areas in Kokila and Baliyan in Papum Pare district and also from the far-flung Changlang district to the neighbouring State of Assam. Some 2,000 Chakmas fled and took refuge in Sontipur and Tinsukia districts of Assam, but the administration there 'persuaded' them to return (Ray 1996: 53).

ARUNACHAL-ASSAM TUSSELE

However, the flight of the Chakmas to Assam resulted in the souring of relationship between Hiteswar Saikia, the then Chief Minister of Assam and All Assam Students' Union (AASU) on the one hand, and their counterparts in Arunachal Pradesh, that is, Gegong Apang and AAPSU, on the other (*Times of India* 1994d). It is significant in this context that even though both Saikia and Apang were the two of the most powerful Congress (I) leaders in the Northeast during this period, there was no semblance of coordination, let alone consensus, among them over what has always been a thorny issue in the region. Both centre-state and inter-state party affiliations have often come under strain on the vexed issue of migration in the region where local factors clearly assume dominance over the so-called national interests, which are popularly seen to be antithetical to local or regional concerns. In a region where a strong sense of identification with land runs deep and loss of land to a migrant group is equated with loss of identity and culture in the popular psyche, frictions and conflicts between neighbouring states are not all that uncommon. For example, Saikia had issued a 'shoot at sight' order in Tinsukia district of Assam adjoining Changlang district of Arunachal Pradesh, and later on clamped night curfew along Assam's international and inter-state boundary in mid-September 1994 on learning that the Chakmas had started pouring into Assam after they were issued with eviction notice by the AAPSU.

This was followed by a threat issued by the All-Assam Minorities Students' Union (AAMSU) to impose a road blockade to stop the supply line to Arunachal Pradesh for allegedly driving out the minorities from Assam (Chakma 1994c).

In the ensuing war of words between the two Chief Ministers over the issue, while Saikia went on justifying his stance by maintaining, '[w]e cannot afford to remain silent while other States used Assam as a dumping ground for foreigners', Apang reacted sharply by arguing, '[w]e are a land-locked State and if the Government of Assam was to carry out its threat, it would be difficult for us to say that we are a part of our country' (*Telegraph* 1994b). Apang even went to the extent of threatening to resign from the Chairmanship of the North-East Congress (I) Coordination Committee if the state governments—particularly Assam—did not agree on a common policy on the foreigners' issue. Although the crisis was defused with the intervention of the Gauhati High Court, which nullified the 'shoot at sight' order issued by Saikia, the entire episode pushed the Chakma issue into the vortex of national limelight with the media playing a critical role in generating massive public attention for the first time.

AAPSU'S HARDENING STAND

It was during this phase of the anti-foreigners movement in Arunachal Pradesh that the Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP), the Delhi-based principal pressure group of the Chakmas started mobilising public opinion in a big way. This representative body of the Chakma refugees of Arunachal was formed in 1991 with Subimal Chakma as its president who continues to hold this office till date (*Indigenous Rights Quarterly* 2007: 11). Both independent and autonomous human rights organisations like Peoples' Union for Civil Liberties (PUCL), National Human Rights Commission (NHRC), South Asian Human Rights Documentation Centre (SAHRDC) as well as individual human rights activists and Members of Parliament were approached and appraised of the growing instances of human rights violations of the Chakmas at the hands of the AAPSU and the state government. For example, between August 1994 and December 1995, the CCRCAP filed numerous petitions with the NHRC alleging that the Chakmas were being issued threats and ultimatums by the AAPSU. In addition, CCRCAP also organised several demonstrations and hunger

strikes in New Delhi with a view to mobilising public opinion to put an end to their continuing statelessness and to drawing public attention towards the apathetic attitude of the central government on the question of their citizenship. One such hunger strike was organised by the CCRCAP on 20 August 1994 at Jantar Mantar, New Delhi, asking the Prime Minister to state the nationality of the Chakmas after living in India for close to four decades (Rajalaksmi 1996: 38–39). The Chakmas are also reported to have burnt the effigy of the Chief Minister, Gegong Apang, for his allegedly ever-growing anti-Chakma stance and for openly supporting the AAPSU-led 'Chakma Go-Back' movement.

While the CCRCAP was busy mustering the support of all those who mattered by mobilising them in favour of its cause, the AAPSU-led 'Chakma Go-Back' movement in Arunachal Pradesh gained momentum particularly after the news of the burning of Apang's effigy was widely reported in the newspapers. Added to this was the denial of a hearing to the AAPSU by the then Prime Minister P.V. Narashima Rao government on the pretext of some 'pressing' engagement which further resulted in the hardening of their stance on the Chakma issue. In fact, the AAPSU leaders had come to Delhi on what they termed as the 'Historic Delhi-March Programme' held between 8–20 May 1994 with a contingent of 400 students to put across their viewpoint on the Chakma issue to the Indian government. They also submitted a 10-point Charter of Demands to the Prime Minister in which not only did the Chakma issue figure at the top, but also invited him for 'free and open' dialogue to resolve the issue (AAPSU 1994b: 3; AAPSU n.d.: 1–6). On being denied a meeting with the Prime Minister, the AAPSU leaders apparently felt 'humiliated', as they were not even heard by any other high-level official or Minister, while the Chakmas were given a patient hearing by all those they had approached.

Back in Arunachal Pradesh, the graffiti on the walls became bolder and clearly reflected the dominant mood in the AAPSU, which undertook several 'Awake Arunachal' campaigns to mobilise popular support in the state. Not only did these campaigns attract huge crowds, but also helped AAPSU popularise the issue in the state. The then President of AAPSU, Takam Sanjoy, took up the issue of the threat to the identity and culture of the indigenous peoples due to the Chakmas' continuing presence and consequent increase in their numbers in the state and condemned

the central government for its 'step-motherly' treatment of the Northeast in general and Arunachal Pradesh in particular. Protesting against the 'indecisive' and 'indifferent' attitude of the central government towards Arunachal Pradesh on the Chakma issue, AAPSU succeeded in mobilising popular support in the state by using what had by now become a catch-all slogan in the region—Northeast is being used as a dumping ground by the Indian state. Applying the same to Arunachal, AAPSU reiterated that the entire state had been made a 'dumping ground' and 'pasture land' by the Indian government for illegal migrants and refugees (AAPSU 1994b: 3). Rankled at the centre's passivity with only a day to go before the 30 September deadline, Takam Sanjoy said: 'We have been maintaining restraint and carrying out our movement peacefully, but after September it will be direct action' (Karmarkar 1994: 42).

The AAPSU-led 'Chakma Go-Back' movement reached its zenith with the All-Party Rally or what they preferred to call 'Peoples' Referendum Rally', which was organised at Naharlagun on 20 September 1995. It was at this rally that the AAPSU and the leaders of all the then existing political parties in the state including the ruling Congress (I) under Gegong Apang had set 31 December 1995 as the deadline for the central government to evict the Chakmas from the state. Also, the leaders of all the political parties present at the rally had vowed to resign from the primary membership of their respective parties and form a 'Common Organization of Indigenous Peoples' if their demand was not met by the central government before the expiry of the deadline. This was not the first occasion when all the political parties in the state had expressed unanimous consensus over the issue of eviction of Chakmas from the state (AAPSU n.d.: 1–6; Chakma 1994c; Government of Arunachal Pradesh 1996: 61; Ray 1996; Sankaran 1998: 52–56). The position adopted at the rally was very much in line with similar resolutions passed earlier in the State Legislative Assembly on at least four previous occasions between 23 September 1980 and 9 September 1994 (Government of Arunachal Pradesh 1996: 56–58).

What, however, distinguished the 20 September 1995 resolution from the earlier ones was the direct popular involvement of the indigenous Arunachalis in the rally who had gathered in large numbers from almost all parts of the state. This was the first occasion when thousands of people cutting across ethnic boundaries had gathered at one place over what they perceived to be a common issue. The rally was also unparalleled in

the sense that never before had so many people directly come in contact with their chosen leaders and representatives, thus exerting direct moral and political pressure on them to act on an issue that they had been promising to resolve for a long time. Pitted against both the AAPSU and the indigenous peoples of the state, the ruling Congress (I) and other opposition political parties had no option but to go along with them in adopting an extreme position: either ensure the eviction of the refugees from the state or resign *en masse* from the primary membership of their respective political parties, if the centre failed to deport them from the state within the deadline.

This was a truly unprecedented episode in the history of Indian democracy when almost all the influential sections of the Arunachali civil society including the common masses on the one hand, and the elected government on the other, exhibited remarkable unanimity over an issue, which has clearly remained one of the most emotive and unresolved issues in the state for well over four decades. However, nothing radical came out of the rally as the central government responded at the eleventh hour and managed to defuse the potential crisis by announcing the formation of a 'high-level committee' to look into the matter. The Ministry of Home Affairs, Government of India, with the approval of the Prime Minister constituted a High-level Group under the Chairmanship of the Union Home Minister to look into the entire background of the issue of Chakmas in Arunachal and identify the future course of action. The massive response that the rally evoked did, nevertheless, establish the fact that the Chakma issue was indeed one of the most important issues in the state, which AAPSU had been raising since 1967.

CHAKMA ISSUE AS A HUMAN RIGHTS PROBLEM

Growing pressure from the CCRCAP and other non-governmental organisations to take action against the open threats of AAPSU, which was allegedly acting in connivance with the state government, and the central government's apathetic attitude towards the issue despite repeated requests made by the NHRC to intervene, resulted in the NHRC's decision to move the Supreme Court through a Writ Petition after verifying the complaints received against the AAPSU (CCRCAP 1997). The NHRC was established in accordance with *The Protection of Human Rights Act*,

1993 (No. 10 of 1994), which is the only relevant legislation in relation to refugee protection in India. Under this act, the NHRC has the authority to inquire *suo moto* or on a petition by a victim or any person on his or her behalf into a complaint of violation of human rights. Till date, the NHRC has investigated a number of complaints involving refugees. But, it is the 1996 Indian Supreme Court case of *National Human Rights Commission v. State of Arunachal Pradesh and Another* which has been hailed as 'a landmark judgement in the area of refugee protection in the context of India and underlines the usefulness of engaging a national human rights machinery for refugee protection' (Gorlick 1998: 24; Saxena 2007; Vijaykumar 2000a).

It was in the aforementioned case that the NHRC for the first time felt constrained to invoke Section 18 (2) of *The Protection of Human Rights Act*, 1993 in order to approach the Supreme Court of India with a view to enforcing the rights of 65,000 Chakmas in Arunachal Pradesh. The case had arisen, as noted earlier, in response to allegations of human rights abuses suffered by the Chakmas at the hands of the state government of Arunachal Pradesh and the AAPSU. The two, it was alleged, were acting in tandem with each other. As noted by Limpert: 'Upon inquiry, the NHRC determined that the Arunachal state government was acting in concert with the All Arunachal Pradesh Students Union (AAPSU) to issue 'quit notices' with a view to intimidating the Chakmas and Hajongs and expelling them from the state' (Limpert 1998: 44). It was thus in the state government's 'dilatatory statements and inadequate responses' to the inquiries and directions of the NHRC that the matter was brought by it to the Supreme Court. The petition pleaded that the Chakmas in India cannot be denied their basic right to existence or be subjected to such treatment by the state government which is not in accordance with law and Article 21 of the Constitution of India, and cannot in particular be subjected to such hostile treatment by a 'private body' such as the AAPSU with the tacit support and/or acquiescence of the functionaries of the state government. It was, however, in *Louis De Raedt v. Union of India* and *State of Arunachal Pradesh v. Khudiram Chakma* that the Supreme Court had held that foreigners are entitled to the protection of Article 21 of the Constitution which ensures equal protection of life and liberty to all. The petition also stressed that Article 13 of the 1966 International Covenant on

Civil and Political Rights (ICCPR) be fully complied with while deciding the fate of the Chakmas. It may be pertinent to highlight in this context the relevance of Article 13 of the ICCPR, which unambiguously states:

An alien lawfully in the territory of a State party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

The Supreme Court issued an interim order on 2 November 1995 in which it directed the state government to 'ensure that the Chakmas situated in the territory are not ousted by any coercive action, not in accordance with law'. This was soon followed by its final order on 9 January 1996 in which the Supreme Court not only concluded that there was indeed an imminent threat to the lives and property of Chakmas, but also distinguished the case at bar from that of *State of Arunachal Pradesh v. Khudiram Chakma*. As already noted earlier, in *State of Arunachal Pradesh v. Khudiram Chakma*, the Supreme Court had ruled in favour of the state government in a dispute over land rights between the state and 57 Chakma families. However, in the *NHRC v. State of Arunachal Pradesh and Another*, the Supreme Court held that the question of citizenship by registration under Section 5(1)a of the Act was based upon considerations which were 'entirely different' from those operative in *State of Arunachal Pradesh v. Khudiram Chakma* (AIR 1996 SC 1234). In the *Khudiram Chakma* case, grant of Indian citizenship was invoked under Section 6-A of the Indian Citizenship Act, 1956 which *inter alia* provides that all persons of Indian origin who came before 1 January 1966 to Assam from territories included in Bangladesh immediately before the commencement of the Citizenship (Amendment) Act, 1985, and who had been ordinarily resident in Assam since their entry into Assam shall be deemed to be citizens of India as from 1 January 1966. Since the appellant and others in the above case had staked their claims to Indian citizenship under the special provision made pursuant to the Assam Accord of 1985, the Gauhati High Court and later on the Supreme Court held that the appellant and others did not fall under the said category as they had stayed in Assam for a short period in 1964 and

had strayed away from then on in the area that at the time of adjudication fell within the state of Arunachal Pradesh. The observation of the Supreme Court in this context is worth illustrating at length:

Thus, in *Khudiram Chakma's* case, this court was seized of a matter where 57 Chakma families were seeking to challenge an order requiring them to vacate land bought by them in direct contravention of Clause 7 of the Bengal Eastern Frontier Regulation, 1873. The issue of citizenship was raised in a narrower context and was limited to Section 6-A(2) of the Act. The Court observed that the Chakmas in that case, who were resident in Arunachal Pradesh, could not avail of the benefit of Section 6-A of the Act which is a special provision for the citizenship of persons covered by the Assam Accord. In the present case, the Chakmas are seeking to obtain citizenship under Section 5 (1) (a) of the Act, where the considerations are entirely different. That section provides for citizenship by registration. It says that the prescribed authority may, on receipt of an application in that behalf, register a person who is not a citizen of India, as a citizen of India if he/she satisfies the conditions set out therein. This provision is of general application and is not limited to persons belonging to a certain group only as in the case of Section 6-A. Section 5, therefore, can be invoked by persons who are not citizens of India but are seeking citizenship by registration. (*NHRC v. State of Arunachal Pradesh*, 1996, 1 SCC 742)

Distinguishing the two cases from each other thus, the Supreme Court held that while the terms of the Assam Accord limited its application to a small number of persons, Section 5(1)a was found to be a provision with general application. Moreover, since the Chakmas clearly met the requirements of the Act, the court affirmed their right to apply for citizenship under Section 5(1)a and ordered the state government to take steps to facilitate their registration.

Apart from establishing the legal claim of the Chakmas to Indian citizenship, the Supreme Court also upheld the principal of *Non-refoulement*—a cardinal principal of International refugee law—by taking into account the humanitarian dimensions of the problem and by ordering the state government to ensure that Chakmas' right to life and liberty is duly respected. It may be significant to mention here that in the context of refugee rights in India, there is remarkable unanimity among both scholars and legal experts over the interpretation of Article 21 which, in their view, encompasses the principle of *non-refoulement* which in turn requires that a state shall not expel or return a refugee 'in any manner whatsoever to the frontiers or territories where his life or freedom would

be threatened on account of his race, religion, membership of a particular social group or political opinion' (United Nations High Commissioner for Refugees n.d.). As also argued by Chimni (2000: 490): 'This interpretation is consistent with the international obligations India has assumed through ratifying the two 1966 Covenants and the Convention on the rights of the Child.' The application of the principle of *non-refoulement* on humanitarian grounds is clearly evident from the observation of the Supreme Court in the *NHRC v. State of Arunachal Pradesh and Another*, which did eventually influence its judgement in relation to extending the protection of Article 21 to the Chakmas:

They [Chakmas] have settled there [Arunachal Pradesh] since the last about two and a half decades and have raised their families in the said State. Their children have married and they too have had children. Thus, a large number of them were born in the State itself. Now it is proposed to uproot them by force. The AAPSU has been giving out threats to forcibly drive them out to the neighbouring State which in turn is unwilling to accept them. The residents of the neighbouring State have also threatened to kill them if they try to enter their State. They are thus sandwiched between two forces, each pushing in opposite direction which can only hurt them. (*National Human Rights Commission v. State of Arunachal Pradesh*, 1996, 1 SCC 742)

This was, however, not the first occasion when the Supreme Court had extended the benefit of the principle of *non-refoulement* to refugees. For example, the principle of *non-refoulement* was strictly adhered to by the Indian government while providing asylum to the Tibetan refugees in the 1950s. As observed by Chimni (1994b: 381):

In the 1950s, culminating with the arrival of the Dalai Lama in 1959, nearly a hundred thousand Tibetan refugees were granted asylum. Even though India did not support the independence or autonomy of Tibet, and the continued presence of the Dalai Lama and his followers has always been a thorn in the side of Indian-Chinese relations, it has scrupulously respected the principle of *non-refoulement*...

Even though India is not a signatory to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, the provisions of the Convention and its Protocol, particularly the principle of *non-refoulement*, have often been relied upon by the Indian judiciary through what has come to be called a 'canon of construction' with a view to enforcing the obligations

of the state for the protection of basic human rights of individuals (Verma 1997: 17). It has been more so when there is no conflict between the provisions of the Convention and its Protocol on the one hand, and any provision in the Municipal Laws, on the other. As noted by Justice Verma, former Chief Justice of India:

The zeal of the judiciary to find a solution under the Municipal Laws for protection of human rights is a healthy trend. To some extent, the existing legal framework provides solution, which may be taken into account while enacting new laws. In India, Articles 14, 21, and 25 guarantee the Right to Equality, Right to Life and Liberty, and Freedom of Religion to everyone. These provisions have been held to apply to the aliens also and not merely to the citizens. In addition, the Directive Principle of State Policy in Article 51(c) requires that the State shall endeavour to foster respect for international law and treaty obligations. Even without being a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, in India, the rights of the refugees to this extent are protected by the provisions made in the Constitution. (Chimni 2000: 491)

The Supreme Court verdict thus came as a shot in the arm for the CCRCAP, which had been instrumental in staking the claim of the Chakmas to Indian citizenship. The initial reaction of AAPSU, however, was quite critical of the Supreme Court and was marked by confusion and ambivalence for it could not comprehend the exact context in which it was delivered. The AAPSU, as a matter of fact, went overboard in condemning the Supreme Court for maintaining dubious standards on the citizenship issue. However, the 1996 Supreme Court verdict marked a significant departure in the AAPSU-led 'Chakma Go-Back' movement as the focus henceforth clearly shifted, as will be seen in one of the later chapters, from the question of citizenship to that of the issue of land rights of the indigenous peoples. A more detailed discussion of the land issue from the vantage point of the Arunachalis is taken up in Chapter 7.

The Supreme Court verdict was soon followed by another important judgement which not only vindicated the stand of the central government and the Supreme Court on the question of citizenship, but went a step further by recommending that the Chakmas must also be accorded the same status as enjoyed by the indigenous peoples of the state. These recommendations were pronounced by the Committee on Petition of the Rajya Sabha, the Upper House of Indian Parliament, on 14 August 1997

specifically constituted to look into the matter of the Chakma diaspora in the northeastern states of Arunachal Pradesh and Mizoram. The publication of the recommendations triggered a popular protest in both the states, with the people reacting against the proposal of according a similar status to the Chakmas as enjoyed by the indigenous peoples in these states. In the face of stiff opposition to the recommendations of the Parliamentary Committee, the Indian government thought it prudent to ignore the same by deferring its implementation indefinitely. However, these recommendations have been discussed at a greater length in Chapter 5, which deals with the official discourses of the Chakma issue in Arunachal.

REVIVAL OF THE ANTI-FOREIGNERS MOVEMENT

The most significant political development from the perspective of the Chakma refugees since they took asylum in India has been the recent inclusion of 1497 of them in the voters' list in 2004 by the Election Commission of India (ECI). Following an order issued by the Delhi High Court on 28 September 2000 in which it had held that 'such of the Chakmas who were born in India after their settlement in the State of Arunachal Pradesh but before 1 July 1987 became citizens of India by birth under section 3(1) (a) of the Citizenship Act even if their parents were not citizens of India at the time of their birth', the ECI went ahead by ordering the inclusion of 1497 eligible Chakmas in the state's voters' list. The ECI thus ordered (ECI 2004):

... the Election Commission, in exercise of its plenary powers conferred on it by Article 324 of the Constitution and in suppression of its order No. 23/Arun-Al/2003 dated 2.1.2004, hereby orders and directs that the names of 323, 1164 and 10 Chakmas of 46-Chowkham (ST), 49-Bordumsa-Diyun and 50-Miao (ST) Assembly Constituencies respectively who were found to be eligible for inclusion in the respective electoral rolls by the concerned Electoral Registration Officers during the special summary revision of electoral rolls w.r.t. 1.1.2003 as qualifying date, ordered by the Commission vide its orders dated 31st March, 2003 and 24th April, 2003 and prior to the resolution dated 14-05-2003 of the State cabinet, shall be deemed to have been included in the electoral rolls of the respective Assembly Constituencies by virtue of the provisions of Articles 325 and 326 of the Constitution and Section 19 of the Representation of the People Act, 1950.

In the orders issued on 31 March and 24 April 2003 mentioned in the aforementioned Order, the ECI had asked for a 'special summary revision' of electoral rolls in the state in the aforementioned Assembly Constituencies, including 14-Doimukh (ST) Assembly Constituency which is located in the close vicinity of the capital town of Itanagar—the hub of political activities of AAPSU—whose Electoral Registration Officer had rejected all the 426 applications received by him through post on the ground that they arrived in 'bulk'. Even though the process of summary revision in all other Chakma inhabited constituencies was carried out smoothly except the 14-Doimukh (ST) Assembly Constituency, the ECI reacted sharply to the resolution passed by the state cabinet on 14 May 2003 by issuing an order on 2 January 2004 threatening to withdraw from all election-related activities. The unanimous resolution passed by the state cabinet was in response to the ECI Order for undertaking summary revision of the electoral rolls in the state on the ground that no non-Arunachali can be enrolled in the electoral rolls of the state unless he/she was in possession of Inner Line Permit under the Bengal Eastern Frontier Regulation Act, 1873 with a minimum validity period of six months.

However, realising the adverse impact of its Order of 2 January 2004 on the general voters of the state in the wake of the forthcoming May 2004 Parliamentary elections to the House of the People in the light of the provision of Article 325 of the Constitution which makes it clear that no eligible voter shall be deprived of his/her right to vote, the ECI reviewed its own decision and decided to hold elections without the inclusion of the 426 Chakmas of the 14-Doimukh State Assembly Constituency in the electoral rolls. This is how 1497 Chakmas of the three Assembly Constituencies which overlap with the two Parliamentary Constituencies of the state came to exercise their right to franchise for the first time in their lives. This indeed was hailed as a historic moment by the Chakmas in the state (Philip 2004).

The celebratory atmosphere that got kick-started by this development manifested itself in the Chakmas turning in large numbers to vote for the first time in their lives. They could hardly conceal their joy and over-enthusiasm when they got to know that they were now Indian citizens and that they could now vote along with their other Indian counterparts

in the forthcoming elections. As Banbehari Chakma, a school teacher in his thirties, remarked: 'The day I heard that my name has been included among the 1,497, I made up my mind to cast my vote. I am really happy today that I was among the first one from my village to cast a vote. This will always remain the best moment of my life' (Das 2004a). Bimal Kanti Chakma, assistant *Gaon Burrah* (assistant village headman) of Jyotipur, a Chakma village in the East Arunachal constituency, and assistant general secretary of the CCRCAP, was elated not because he had got a right to vote, but because his daughter Helen was one amongst the first batch of 1497 privileged Chakma voters who could vote in the 5 May Lok Sabha elections. Even though security was put on high alert fearing the possibility of protest and resistance from the AAPSU and the indigenous peoples of the state, the non-voting Chakma enthusiasts were in no mind to take chances and had chalked out their own plans of self-defence. As Bimal Kanti Chakma is reported to have said:

We have decided to form committees in each Chakma village to ensure that every Chakma voter with voting rights exercises his hard-earned right. On the day of the polling the village elders will accompany these young voters to the polling station. The granting of voting rights to Chakma youth is an important step in our struggle for citizenship rights. (Sushanta Talukdar 2004)

The women voters who were far more excited at the prospect of voting and had decided to dress up for the occasion in their traditional attire gathered in large numbers well before the scheduled time in their over-enthusiasm to cast their votes. Within an hour of polling, most of the electorates could already be seen in long queues. Twenty-year old Archana Chakma, a woman voter is reported to have remarked: 'This is a special day for the community and so we all decided to dress up' (Das 2004b). Subimal Kumar Chakma, the President of the CCRCAP, who has been at the forefront of a long battle to acquire the legitimate rights due to these people sounded especially contented: 'I feel a lot relaxed today. After all, it has been a long wait for us' (Ibid.).

The ECI Order, however, sparked off a strong reaction from the AAPSU as well as all existing political parties in the state, including the then ruling BJP under Gegong Apang (Special Correspondent 2007). Since the names of the Chakmas were included in the voter's list just on the eve of the May Parliamentary elections, the AAPSU reacted by renewing

its campaign as a major poll plank (Surajit Talukdar 2004). The ECI declaration was soon followed by the formation of a core committee, comprising members of the AAPSU and all the major political parties, with Chief Minister Apang as its chairman and former AAPSU president Domin Loya as convenor with a view 'to thrash[ing] out the contentious issue of granting voting rights to the Chakmas' (Chakraborty 2008). The core committee quickly responded by adopting a resolution, pressing for the need to strike down the names of the Chakma voters so that they would not be allowed to vote in the ensuing elections. However, deeply aware of the 'electoral ramifications' of the AAPSU proposal for poll boycott, the political parties in the state meekly endorsed the same, provided the ECI failed to act on the issue. This followed a round of talks between an AAPSU delegation and the Deputy Prime Minister L.K. Advani and the Union Law Minister Arun Jaitley in New Delhi without yielding any satisfactory result. The ECI too remained unmoved. A last ditch effort by the desperate AAPSU leaders failed to persuade the political parties from keeping away from the elections. Dissociating himself from the AAPSU-led anti-poll campaign, Apang resigned from the core committee as its chairman citing 'constitutional responsibility' as the sole reason, while urging the students to exercise restraint and allowing the people's elected representatives to sort out the vexed refugee issue in due course of time. This left the student leaders feeling "cheated" by Apang, who had earlier used the AAPSU platform to whip up ethnic emotions on the "refugee issue" (Ibid.).

Interestingly, before the October 2004 Assembly elections, Apang had not only resigned from the BJP and returned to the Congress fold, but also went to the campaign with the Chakma issue as its main poll plank: 'The Congress would give top priority to solve the Chakma refugee issue and take steps to resettle them outside the State' (IANS 2004). He further added: 'We don't have any problems if the refugees are settled outside our state and provided Indian citizenship. They have no place in our state although we don't want to take any hasty steps that could amount to violating their human rights'. Back to power after the elections, however, the Congress has once again conveniently brushed the issue under the carpet.

Renewing its crusade against the foreigners with greater vigour, the AAPSU included the Tibetan refugees also within its anti-foreigners

movement in early 2007. A seven-member delegation of AAPSU under its president Kanu Bagang met the Prime Minister of the Tibetan Government-in-exile, Samdhong Rimpoche in New Delhi on 30 January to discuss the Tibetan refugee issue. Claiming it to be the first occasion in the history of AAPSU when such high level talks were held with the Tibetan representatives, Bagang termed the talks highly successful with the Rimpoche himself assuring the AAPSU of all cooperation in its effort to deport the refugees after the Tibet issue was resolved properly (Shillongtimes 2007).

Such opposition to the stay of Tibetan refugees in the state is not new. In November 2000, the AAPSU had objected to the fact that 'thousands of Tibetan refugees settled in Tawang and West Kameng districts were illegally obtaining scheduled tribes (ST) certificates—which *de facto* makes them Indians—and trading licences in connivance with politicians in the state' (Routray 2007: 86). The report of the fact-finding committee constituted by AAPSU revealed that out of 1,600 Tibetans in the Shyo village in Tawang district, 181 had managed to obtain ST certificates, whereas the number for Bomdila, the district headquarters of West Kameng stood at 300. The report further claimed that the Tibetan refugees settled in Tenzinggaon in West Kameng, Tindollang in Lohit and Cheophelling in Changlang districts had moved out of their camps and were dominating the economy in Tawang and West Kameng. Expressing concern over the matter, the report noted that 'since freedom of Tibet is a distant dream, the Tibetans are trying to settle in various places in the State by acquiring land through inter-community marriage, money power etc.' (Ibid.). According to AAPSU there are about 30,000 Tibetan refugees in the state settled in various camps located at West Kameng, Tawang, Upper Siang, West Siang, Lohit and Changlang districts.

Back in Itanagar, the AAPSU's renewed ire against foreigners took a dramatic turn with the student body undertaking 'Operation Clean Drive' with a view to flushing out all 'illegal Bangladeshi migrants' from the state (Nagarealm.com 2007). In July 2007, the AAPSU had pushed back a large number of people into Assam on the ground that they were infiltrators who had entered Arunachal through the neighbouring state of Assam. The Government of Assam took strong exception to the drive with Chief Minister Tarun Gogoi claiming that those pushed back were genuine Indian citizens and that they would have to return. However, while the second phase

of the Operation scheduled to begin on 17 August was stopped by the state administration, the simmering issue of the foreigners in the state continues to remain alive.

NOTES

1. For a detailed study on the varied aspects of cultural life in each of the states of the Northeast, see the specific volumes on the Northeastern states brought out by the Anthropological Survey of India as part of its *People of India* Project under the general editorship of K.S. Singh.
2. Similar findings have been projected by other studies as well. Treating 1981 as the cut off year and 1901 as the base year, Sebastian in his study of the demographic trends in the Northeast, shows a six-fold increase in the region's population between 1901 and 1981 as compared to a mere three-fold increase at the national level (Sebastian 1986: 63–65).
3. Sikkim is the only other state where a complete demographic reversal has taken place reducing the once ruling Bhutia-Lepchas to a minority who have been marginalised and displaced from their own land by the Nepalese, including settlers from Nepal and other parts of India. By 1891, Nepalese constituted about 51 per cent of the population while the Bhutia-Lepchas were reduced to 35 per cent. However, by 1950, the inevitable had already happened when the Nepalese proportion rose to 75 per cent (Verghese 1997: 243–63).

Chakma Diaspora in Northeast India: Excluded Communities, Fragmented Identities

The plight of the Chakma diaspora scattered across some of the Northeastern provinces of the Indian state may not be unparalleled in the history of migration in the world, but is undoubtedly, by far one of the most prolonged episodes of social and political exclusion in the history of modern South Asia. Although the social history of the Chakma diaspora provides significant insight into the postcolonial fault lines emanating from the artificial division of the subcontinent, the extent of their exclusion and fragmentation is only partly attributable to the partition of the subcontinent, as a substantial number of them had moved into India much before 1947.

This chapter attempts to unravel the changing contours of the everyday lifeworld of the Chakma diaspora in Northeast India—how they have been facing discrimination in Mizoram, how they had to live under (in) human conditions in Tripura before their diasporic status was unmade and how they have been forgotten in Arunachal Pradesh where they live as stateless peoples. The need for this arises from the absence of any authoritative comparative account, which poses serious problems for a realistic understanding of their distinct concerns. The possibility of the emergence of a diasporic identity of the Chakmas across the Northeastern region of India is also examined.

The largest concentration of Chakmas outside the CHT—their homeland—in Bangladesh is to be found in the northeastern states of Arunachal Pradesh, Mizoram and Tripura. Fragmented and scattered across the northeastern region, the Chakmas have not only come to be

called the 'Palestinians of South Asia' (Gupta 1995), but they also enjoy distinct status in their respective areas of settlement. However, unlike the Palestinians, they no longer clamour for their homeland and are determined to stay put in the places they have made homes. Not that all is well with them in what has now come to constitute a 'new home'; on the contrary, things have only worsened with growing resentment amongst the local ethnic groups among whom they have been living all these years irrespective of their legal status (see Map 4.1). As aptly observed by one of the most perceptive commentators from the region:

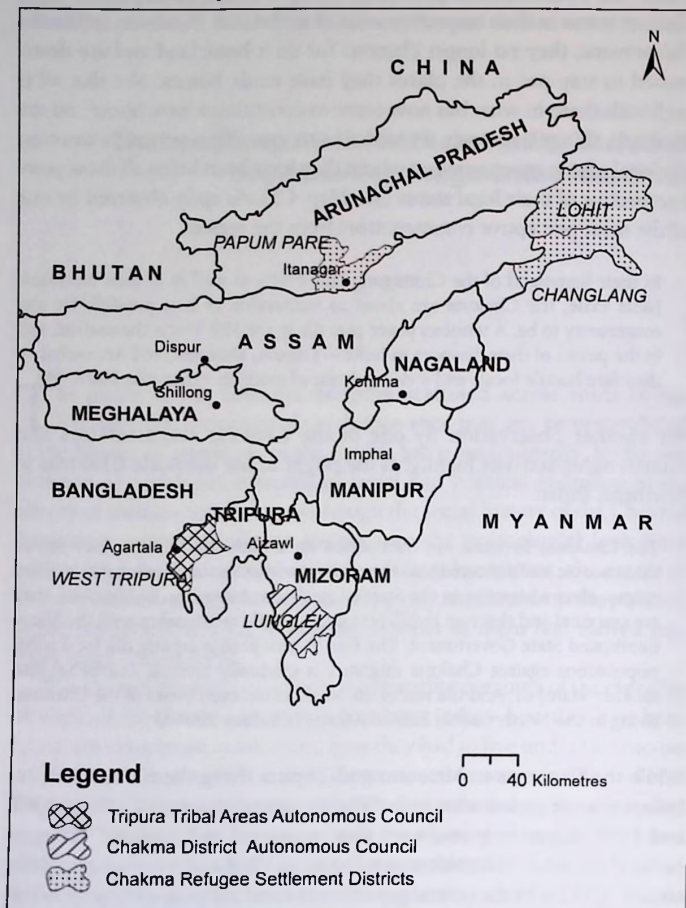
In their homeland of the Chittagong Hill Tracts as well as in their Northeast India exile, the Chakma are about as vulnerable as it is possible for any community to be. A tenuous peace prevails in the Hill Tracts themselves, and in the points of their diaspora in India—Tripura, Mizoram, and Arunachal—they face hostile locals and a rising threat of eviction. (Hazarika 2009: 44)

Yet another observation by one of the Chakma commentators and human rights activists highlights the plight of the diasporic Chakmas in Northeast India:

The Chakmas in India are themselves on a limb. In Tripura, they are so microscopic and scattered that they do not matter in the State's politics. They cannot elect a member in the State's Legislative Assembly. In Mizoram, they are marginal and share an indifferent if not hostile relationship with the Mizo-dominated State Government. The fear of xenophobia among the local tribal populations against Chakma migrants is gradually turning Arunachal into another Manipur. And the rest of the world is not even aware of the Chakmas living in the North Cachar hills of Assam. (Chakma 1994d)

While the Chakmas in Mizoram and Tripura living there since the pre-Independence period went on to become natural citizens of India in 1947 and 1949 respectively and were also recognised as Scheduled Tribes of India, those who took shelter as refugees in 1964 and were subsequently settled in NEFA by the central government continue to languish as stateless peoples. Ironically, not even the stateless Chakmas in Arunachal, let alone the ones who are *bona fide* Indian citizens in Mizoram and Tripura, are willing to go back to the CHT and are determined to stay put, no matter how uncertain and bleak their future may appear. The lack of desire among them to return to their homeland emanates from an acute awareness of the ever-increasing deterioration of the Chakmas' condition

Map 4.1 Chakma Diaspora in Northeast Indian States



Source: Courtesy Sunil Kumar Jangra, GIS professional, Chandigarh.
(This map is not to scale and does not depict authentic boundaries.)

back home in the CHT at the hands of the successive political regimes. Added to this is a strong sense of attachment with the land of their present settlement which they have made their homes.

The unequal treatment meted out to the people of the same community is partly explained by the fact that they came to India at different points in time under differing circumstances leading to dissimilarity in their status. This is important to bear in mind as it directly impinges on the question of their rights and privileges which they are entitled to under varying provisions of the Indian Constitution and various other international human rights conventions. However, in order to better appreciate the uniqueness of the issues and concerns facing each of these groups of Chakmas in their respective areas of settlement, it is important to highlight the nature of differing circumstances under which they came to India and the reasons thereof, for growing resentment against them.

CHAKMAS IN MIZORAM: NOT QUITE AT HOME

An overwhelming majority of the Chakma population in Mizoram has been living there for more than a century now, since the pre-Independence period when the state itself had not come into existence. Known as Lushai Hills then, Mizoram was a frontier area with the CHT on its west. Borders were either non-existent or fuzzy, with absolutely no regulation of population movement in the area. During this period, the relationship between the Lushais (presently called Mizos) and Chakmas was marked by mutual hostility and the Lushais are reported to have even raided the Chakma villages in the CHT (K.S. Singh 1994: 7–8). It was only with the annexation of the Lushai hills by the British in 1891 that the boundaries were first drawn and later redrawn in 1900. Owing to their historical animosity with the Mizos, the Chakmas had not only collaborated with the British in subjugating the Lushais, but also had extended all possible help to the British rule during the Sepoy Mutiny. By way of acknowledging the help extended by the Chakmas, the British Empire had transferred a narrow strip on the eastern side of the CHT to the Lushai Hills district during the revision of boundaries in 1900. As noted in *People of India*, Mizoram volume, published by the Anthropological Survey of India:

The British came in contact with the Chakmas during the reign of Bhagya Manik Roy (1776–1789) with whom they had a confrontation until the Chakma queen Kalindi (1844–1873) assumed power. Both Kalindi and Harish Chandra helped the British in the Sepoy Mutiny and in subjugating the Lushais. As a good gesture towards the Chakmas, the boundaries of Kalindi were revised and a portion of the east including Demagiri (in South Mizoram now) with

a population of 1500 was transferred to the erstwhile Lushai Hills (now Mizoram). That is how the Chakmas became the natural residents of Mizoram. (K.S. Singh 1994: 46)

With the transfer of power in 1947, the Chakmas automatically became Indian citizens. The newly enacted Constitution of India formally recognised them as a distinct Buddhist minority community within Mizoram by creating a Chakma Regional Council in 1953. The status of the Regional Council was further changed to that of a Chakma Autonomous District Council with Chawangte as the headquarters under the Sixth Schedule of the Constitution of India in 1972 when Mizoram itself was elevated to the status of a Union Territory (*Ibid.*: 7–9).

The small Chakma population of 1500 swelled to approximately 80,000 (based on a memorandum submitted by some Chakma leaders to the then Prime Minister) in about 100 years, raising the suspicion of the indigenous Mizos about infiltration of illegal Chakma migrants from across the border into Mizoram (Rajya Sabha Committee on Petition 1997: 2). The Mizos suspect if such a high rate of growth, varying from 100 to 500 per cent, can ever be natural. If unchecked, the Mizos fear, it may soon pose serious threat to their identity and culture, as the Chakmas are culturally distinct and profess Buddhism in what is otherwise an essentially Christian dominant area (Hussain 1997).

A look at the comparative statistics of decadal increase in the Chakma population no doubt reveals the alarming rate at which it has been growing. But how far can such perceptions of fear, apparently being posed by the Chakmas, be treated as justified and legitimate when a majority of them are Indian citizens who have been living there since the pre-Independence days? An analysis of the issues involved in the recently witnessed anti-foreigners movement in the state would be in order at this point. What is important to note, however, is the fact that the anti-foreigners movement in the state has failed to discriminate between the Chakmas who are *bona fide* Indian citizens and those who have migrated after Independence.

The genesis of the anti-foreigners (read Chakma) movement in Mizoram can be located in the recent past. Although voices of protests against outsiders have been raised from time to time in the past, it was only in the early 1990s that the issue of illegal infiltration of Chakmas started attracting public attention in a significant way and was widely covered in the media (Balwally 1995; Bhattacharjee 1996; Chakma 1995a, 1995b, 1996; Datta 1995;

Hazarika 1996a; Hussain 1997). In fact, it all started with an all-party meeting called by the then ruling Congress (I) Chief Minister Lalthanhawla and attended by Mizo National Front (MNF) and Mizo Janata Dal (MJD) on 15 April 1993 at Aizawl where it was unanimously decided to detect and exclude the 'foreigners' from the electoral rolls. The impetus for this sudden 'detection and deletion' drive was provided by the Chief Election Commissioner T.N. Seshan's call for an 'error free electoral roll for the northeastern States' (Chaudhury and Biswas 1997: 155). Another important reason which precipitated a fierce reaction against the Chakmas in the state was the demand for the creation of a Union Territory by the Chakma Jatiya Parishad, headed by B.B. Chakma (Verghese 1997: 154).

While the Chakma leaders felt their demand was more than legitimate as they have been living in the state for generations, it was deeply resented by the state government and all other political parties and students' bodies on the ground that 'no part of Mizoram was ever the ancestral homeland of the Chakmas' (Rajya Sabha Committee on Petition 1997: 23). The state government thus strongly reacted by arguing that 'the demand for carving out from Mizoram State a separate administrative unit for the Chakmas is totally unjustified and completely out of the question' (Ibid.). Yet another important reason which contributed to the hardening of the anti-foreigners stance of the Lalthanhawla ministry and other political outfits like Mizoram National Front (MNF) and various other NGO groups like the MZP (Mizo Zirlai Pawl or Mizo Students Union) was the reported statement by the Union Home Minister S.B. Chavan in Shillong in early 1993 to scrap the Inner Line Permits.¹ This announcement not only evoked widespread protests throughout the region, but also renewed the deep-seated fear among the Mizos of the uncontrolled influx of outsiders into their state in the absence of Inner Line Permits with the potential threat of reducing them to a minority in their own land.

It was against such a backdrop that the Chakmas became the target of anti-foreigners stir in Mizoram in 1995–96 when the state government undertook a drive to review the electoral rolls with a view to identify the foreigners and subsequently delete their names from the voters' list. In the ensuing political tussle between the ruling Congress (I) and the MNF over the foreigner issue, Chief Minister Lalthanhawla himself adopted a hardline anti-foreigner posture with the ostensible purpose of preventing his opponents from drawing political mileage. Another key

actor in the anti-foreigners agitation was the MZP, a radical student body, which was allegedly instrumental in the detection and deletion drive undertaken by the state government. This is evident from the manner in which both the Congress (I) and the MZP went about fixing the cut-off line for the purpose of identifying the foreigners in the state. While the MZP set 2 January 1950 as the cut-off date to identify foreigners and urged the government and political parties to take all initiative to enforce the deadline, the state government responded by declaring 26 January 1950 as the cut-off date for the same. In the face of the mounting pressure on Lalthanhawla to act by organisations such as the MNF and MZP, the Mizoram government launched a detection drive in 1995. The Chakma Jatiya Parishad (CJP) lost no time in moving the National Human Rights Commission (NHRC) in November 1995 and accused the Mizoram government of identifying and deporting the *bona fide* Chakma citizens from the state. Although the NHRC quickly responded by ordering a stay order on the state government's move on 30 November 1995, curiously enough it withdrew the same in January 1996. However, the Commission directed the state government to conduct the detection of illegal migrants with all fairness and ensure access to those Chakmas who might like to approach the authorities for relief (Hussain 1997).

No sooner than the drive for detection and deletion was resumed, reports of massive violation of Chakmas' human rights and arbitrary deletion of their names from the electoral rolls started surfacing in a big way in the media. Although the state government admitted that it had deleted the names of 15,000 illegal immigrants from the voters' list, most of them Chakmas, other sources put the figure of 'doubtful voters' whose names were deleted at 38,866 (Chakma 1996). This led to the beginning of a process of mutual allegations and counter-allegations levelled by Mizo authorities and opposition parties on the one hand, and the Chakmas on the other. While Nirupam Chakma, the lone Chakma minister in the Lalthanhawla government, accused the government of high-handedness and arbitrariness in the process of deletion of names from the electoral rolls, Lalthanhawla and opposition political parties maintained that there were still a substantial number of foreign nationals whose names figured on the rolls that needed to be struck off. By citing concrete examples wherein the names of Satya Priya Dewan (former Chakma MLA) and Punya Chakma (former executive member of the Chakma District Autonomous Council), were arbitrarily deleted, Nirupam Chakma observed: 'There is no

Chakma member in the election machinery. So the existing names could not have been included by unfair means. Thus, what they are deleting now are names of genuine Indian citizens' (Bhattacharjee 1996). While expressing general agreement with the process of identifying foreigners and deleting their names from the electoral rolls and showing concern for his community at the same time, Nirupam Chakma further observed: 'We welcome the move to detect the illegal Chakma migrants but in that process, we shall certainly not like the bona fide citizens to be harassed and humiliated' (Hussain 1997).

In sharp contrast to the above allegations levelled by the Chakmas, the Government of Mizoram insisted that it had strictly followed the due process of law while undertaking the detection drive, and that not even a single name of genuine Chakma citizen had been struck off the electoral rolls. The state government also denied allegations of connivance with the radical student body MZP, which had on its own issued 'Quit Mizoram' notice to the Chakmas urging all Chakma 'foreigners' who had come after 26 January 1950 to leave the state by 15 June 1995. Distancing itself from the MZP in issuing such quit notices, the state authorities were at pains to prove their non-involvement in the whole episode by maintaining that it was the MZP which on its own had warned the Chakmas to leave the state, and that it was the same MZP which had also on its own issued a warning to them that in case of failure to comply with the notice served on them, the MZP could not be held responsible 'if any unwarranted incident took place' (Chaudhury and Biswas 1997: 156). As observed by the state government before the Petition Committee of the Rajya Sabha:

The allegation that the MZP (Mizo Students Union) had connived with the State Government in deletion of Chakma voters from the Electoral Rolls is entirely wrong. The preparation of Electoral Rolls was conducted by the election machinery of the State Government strictly in accordance with the instructions issued by the Election Commission of India. There was no deletion of Chakma names as such from the Electoral Rolls as alleged in the petition. A complaint was submitted by Chairman, Chakma Autonomous District Council to the Election Commission of India on the same matter. The Election Commission of India after proper investigation found that the allegation was not correct. (Cited in Rajya Sabha Committee on Petition 1997: 21–22).

However, it is widely believed by the Chakma leaders, including Nirupam Chakma, that the problem will be over once and for all if the Chakma Autonomous District Council is elevated to the status of a Union Territory

and photo identity cards are issued to all *bona fide* citizens. This is evident from a memorandum recently submitted to the Petitions Committee of the Rajya Sabha by Snehadini Talukdar of Mizoram and Subimal Chakma of Delhi who, while representing the Chakmas of Mizoram and Arunachal Pradesh respectively, reiterated the demand for the creation of a Union Territory by encompassing the '... ancestral homeland of the Chakmas bordering Indo-Bangladesh on the Western belt of Mizoram' (Rajya Sabha Committee on Petition 1997: 3). Talukdar further submitted that '... all the 80,000 Chakmas inhabiting therein should be put in a single administrative unit and administered separately through a suitable central government agency, such as Chief Commissioner/Administrator etc' (Ibid.).

The Rajya Sabha Committee on Petition responded positively by recommending the expansion of the area of Chakma Autonomous District Council '... after taking into account the density of population, the percentage of Chakmas in those areas and their overall conditions etc' (Ibid.). The report of the Committee further observed that '... the Autonomous District Council after expansion may be put under the direct control of the centre for a period till the Chakmas' living conditions come at par with other inhabitants of the State' (Ibid.).

The presentation of the Rajya Sabha Committee report evoked widespread protests in Mizoram. The then I.K. Gujral government at the centre thought it prudent to drop the same in view of fear of revival of insurgency that had so characteristically challenged the might of the Indian state with its demand for secession in the decades of 1960s and 1970s until an accord was signed in 1986 between Rajiv Gandhi and Laldenga, leading to the formation of the state of Mizoram. Interestingly, during the heyday of insurgency, the Chakmas had not only sided with the armed forces, but had also acted as informers by supplying crucial information about the whereabouts of the Mizo insurgents. Several Chakma leaders in Mizoram thus attribute the outburst of anger and resentment amongst the Mizos against their community to the historical animosity that has existed between them since pre-Independence days which, however, got manifested most sharply during the time of insurgency (Chaudhury and Biswas 1997: 151).

Be that as it may, what comes out quite clearly from the foregoing account is the fact that even after living in Mizoram for such a long time

as naturalised Indian citizens, the Chakmas' inclusion in the social fabric of the Mizo society is far from reality. This basically shows that political inclusion or integration through the formal legal construct of citizenship may not necessarily lead to social accommodation or what Guillermo O'Donnell calls 'civil citizenship' (O'Donnell 1999). However, while Mizos may be genuinely concerned at the sharp rise in the numbers of the Chakmas, what must not be lost sight of is the fact that an overwhelming majority of the Chakmas in Mizoram today have probably as much of a political and moral claim over the Indian state as the Mizos themselves. This was put rather well by the Late Prime Minister, Rajiv Gandhi, on the day Mizoram attained statehood: '... much as Mizos expect magnanimity as a small ethnic group in a vast country like India, they should be prepared to extend similar treatment to still smaller minorities like the Chakmas' (Bhaumik 2000: 154).

CHAKMAS IN TRIPURA: LIVING ON THE MARGINS

Tripura represents a classic case of what demographic change often does to its indigenous peoples. Bordering Bangladesh on three sides, Tripura has been witness to intermittent flows of migrants from across the border since the pre-colonial times. The extent of in-migration into Tripura has been so overwhelming that its indigenous peoples have not only been reduced to a pathetic minority, but have also been marginalised in their own land with the concomitant entrenchment of political and economic hegemony by the migrant Hindu Bengalis in the state. As aptly summed up by one of the most perceptive commentators from the region:

... it [Tripura] is one of the few places in the world where, in the twentieth century, an indigenous people has been transformed from a numerical majority ruling community into a minority, dependent on the good will and largesse of immigrants who have seized economic and political influence. (Hazarika 1994: 23)

The radically changed demographic ethnoscape of Tripura over the years thus constitutes the necessary backdrop against which the issue of Chakma diaspora needs to be examined for they, along with the indigenous Tripuris, have had to directly bear the brunt of what is often called 'demographic invasion' in the literature of migration studies. In other words, the Chakma issue in Tripura is intricately intertwined with that

of the indigenous peoples of the state as they were amongst the earliest settler communities who moved into this region during the 16th and 17th centuries.

Much like the Chakmas of Mizoram, not only did they become natural citizens of India along with the Tripuris when the erstwhile princely state of Tripura merged with India in 1949, but were also subsequently recognised as Scheduled Tribes under the Indian Constitution. However, unlike the situation in Mizoram where the Chakmas' presence is deeply resented by the Mizos despite their legal status as Indian citizens, the integration of Chakmas within the local indigenous society of Tripura has been total and comprehensive where they have all along been treated as the natives of the state. This is evident from the fact that the Chakmas are formally represented in the Autonomous District Council, which is a single common council for all the tribal areas of Tripura.² What is even more significant to note in this context is the fact that the Chakmas in Tripura have always been an integral part of the ongoing militant movement being collectively waged by the indigenous peoples against the increasing dominance of the settler Bengali Hindus. Chakmas, for example, did form an integral part of the anti-Bengali campaign under the leadership of Bijoy Hrangkhawl, which had resulted in one of the worst ethnic killings at *Mandai*. Similarly, they have also, along with the indigenous Tripuris, been the target of attacks at the hands of the Bengalis. It is for these reasons that the Chakmas in Tripura are as marginalised as the other indigenous peoples of the state (Verghese 1997: 171–78).

In addition to the above category of Chakmas who, with a population of 50,000 as per the 1991 census, form about 7 per cent of the total population of the state, there was until recently, yet another group of Chakmas who had taken refuge in Tripura in different phases between the late 1970s and almost throughout the decade of the 1980s (Debbarman and George 1993).

Following a series of massacres of the Chakmas by the Bangladesh security forces in 1986 in the CHT, the number of refugees had touched an all-time high of 70,000. They were sheltered in six refugee camps set up in Amarpur and Sabroom subdivisions of South Tripura by the Indian government (Sankaran 1998: 45–50). After having lived in clustered refugee camps under wretched conditions for close to two decades, their diasporic status was finally unmade as a consequence of their repatriation

under the provisions of the Indira–Mujib Agreement, 1972. This agreement clearly stipulates that all those who came to India from Bangladesh after 25 March 1971 will have to go back. Interestingly, Bangladesh did not even acknowledge initially that the refugees were from its own land, let alone willing to repatriate them, and that it was bound to take them back under the terms and conditions of the 1972 agreement. However, the mounting pressure on Bangladesh from various international human rights organisations to take back the Chakma refugees escalated considerably in 1993 which was also declared as the 'Year of Indigenous Peoples'. Coupled with this was the increasing pressure from Western donor countries and the Indian government on Bangladesh to take back its citizens. All these preceded the formation of a popular government in Dhaka in 1992 which later paved the way for the repatriation of the Chakma refugees by initiating a series of talks between the representatives of the Bangladeshi government on the one hand, and their Indian counterparts and Upendralal Chakma, the President of the Chittagong Hill Tracts Jumma Refugee Welfare Association, on the other.

However, the visit of a Parliamentary team from Bangladesh to India in May 1993 failed to evoke a positive response from the refugees who refused to return despite promises of 'improved' conditions in the CHT. The Chakma refugees were assured that the Bangladesh government was 'committed' to their repatriation from Tripura and that it had elaborate plans already charted out for the overall development of the CHT including proposals to increase household and agricultural grants. The Chakmas were also promised prolonged periods of free ration once they got back home. But none of these worked, as the Chakmas were reluctant to leave, for they were not quite sure of the treatment that would be meted out to them once they returned.³ Moreover, the official package offered by the Bangladeshi government fell short of addressing the substantive issues, which were presented by Upendralal Chakma in the form of a 13-point Charter of Demands. The demands included, among others, the withdrawal of army, the eviction of Muslim settlers from tribal land and more political autonomy for the tribals. The Chakma refugees under the leadership of Upendralal Chakma insisted, at least in the early phase of the negotiation with the Bangladeshi government, that they would not go back unless the government accepted the Charter of Demands.⁴ The other demands included: a government guarantee of security; a high-level

judicial inquiry into past 'ethnocides'; compensation to the affected people; end to religious persecution; rehabilitation of refugees under the auspices of the United Nations, the Red Cross, Amnesty International and other human rights bodies.

No sooner than the Chakma repatriation process started in February 1994, the news of disillusionment with the resettlement prospects in the CHT started trickling in, reinforcing the apprehension and trepidation of those who had stayed back and were reluctant to leave for their homeland. Non-fulfillment of the assured promises by the Bangladeshi regime on the arrival of the first batch of returnees further strengthened the resolve of the refugees not to leave unless a political solution was found and the 13-point Charter of Demands accepted. For example, a large number of the families were not given back their homes and lands and suffered from a sense of insecurity because of the existence of numerous camps of the Bangladesh army close to their ancestral homes (Sumit Sen 1994: 44). Ironically, despite all this, the Chakma leadership agreed to the return of a second batch of refugees in July 1994. A total of 752 families consisting of 3,767 members were repatriated by August 1994.⁵ However, despite initial apprehensions amongst the Chakmas to return in the absence of any concrete assurances from the Bangladeshi government and consequent frequent disruptions of the repatriation process witnessed between 1994 and 1997, they finally returned as the result of an agreement reached between the representatives of the popularly elected Sheikh Hasina government and the leaders of the Chittagong Hill Tracts Jumma Refugee Welfare Association in 1997.

Although the Indian government claims that the repatriation of the Chakmas was purely voluntary and that it only acted as a facilitator in the process, there are reports to the contrary. Despite explicit assurances by the Indian authorities not to use force, doubts have been expressed about the voluntary nature of the repatriation process.⁶ For example, India based Human Rights Protection Forum President, Bhagya Chandra Chakma, refuted the official claim about the voluntary nature of the repatriation process by calling it 'totally false' (Chakma 1994d).⁷ Findings of various studies undertaken by non-governmental human rights organisations and several scholars also point towards incidents of gross violation of human rights of the Chakma refugees in Tripura leaving them with no option, but to return under duress. For example, the findings of the Delhi-based

South Asian Human Rights Documentation Centre (SAHRDC) revealed that the repatriation of *Jumma* refugees from Tripura was not without problems, as the supply of ration was abruptly suspended and access to education was denied. As noted by Ravi Nair (1997a: 100):

The government [was] encouraging 'voluntary' repatriation of the *Jumma* refugees by making living conditions in the Tripura camps untenable ... In an effort to keep up the pressure on the refugees, the supply of rice and salt was discontinued for a while from November 21, 1995 ... A SAHRDC study on camp conditions in 1993 and 1994 revealed that the *Jumma* refugees [were] systematically denied access to education. This [was] part of India's policy to pressurise the refugees who [wanted] their children to be educated, to return to the CHT.

As also noted by Chaudhury and Biswas (1997: 161), who, while providing details of food items which were kept under suspension, show how the Indian government used 'food and essential items as weapons to force them out of the Indian territory'. The report of the National Human Rights Commission (NHRC), which sent its own team to study the camp conditions after SAHRDC registered formal complaints with it, also corroborates the above findings. The report submitted by the NHRC thus noted:

... the shortage of water, inadequacy of accommodation and woefully inadequate medical facilities in the camps ... the scale of ration was meager and its supply was often suspended ... that many of the tubewells were out of order and the inmates of the camp were bringing water from far-off places. The camps were also unclean and bore signs of neglect. The refugee children suffered from malnutrition, water-borne diseases and malaria, while there was no visible effort to improve their living conditions. (*NHRC Annual Report 1995-96*: 61-62)

NHRC further noted in its report that the problems faced by the refugees could be attributed to 'the callousness and hostility of the officials towards the refugees, accumulated over the years, as they were not keen to go back' (Ibid.). However, despite repeated complaints made by SAHRDC to the NHRC in 1994 and 1997 about the involuntary repatriation of the *Jummas* and 'undue duress being brought upon the refugees to return', the government of India went ahead with its 'voluntary' repatriation programme 'exposing the ineffectiveness of the NHRC on human rights issues which have a geo-political dimension' (Nair 1997a: 101).

CHAKMAS IN ARUNACHAL: CITIZENS OF NOWHERE

Little did the Chakmas know when they sought refuge in India in 1964 that they would soon be the nowhere people. They were Pakistani nationals when they took refuge and continued to remain so at least on paper till 1971 when they suddenly found themselves without a state. East Pakistan had ceased to exist and the newly created Bangladesh did not own them up. The refusal by the successive Bangladeshi regimes to own them and non-grant of citizenship status by the Indian government in more than four decades of their stay in Arunachal Pradesh is what has made the Chakmas stateless peoples with no access to any civil or political rights whatsoever.

Moreover, the Indian state too has so far not done anything substantive to end their statelessness. Despite expression of concern by the Indian government at the inclusion of CHT in East Pakistan in 1947 and explicit reassurances in 1964 that they would be granted Indian citizenship, the Chakmas have continued to languish in a state of statelessness in the more than four decades of their refugeehood. Interestingly, the Indian government has not even formally acknowledged their refugee status despite the length of their stay, a theme which will be taken up a little later in the chapter.

Except for a miniscule number of 1497 who were recently granted voting rights by the Election Commission of India in 2004, the rest of the refugee population of a whopping 65,000 continue to be refugees even though they have legitimate claims to Indian citizenship under the existing Indian laws. Moreover, of all the refugee groups not only in India but in the whole of South Asia, the Chakma refugees in Arunachal are amongst the lesser known even after having lived in India for more than 40 years as stateless peoples. Unfortunately, this is not because they do not deserve to be known, but because the region in which they were settled has never occupied any priority in the Indian 'nationalist' imagination. Of all the places in India, they were resettled in the then NEFA during 1964–69 precisely because it was perceived to be least threatening in the 'national' scheme of things. In the absence of any organised or autonomous internal political voice at the time of their settlement, the Indian federal government rode roughshod over the wishes of the indigenous peoples of NEFA which was directly ruled from New Delhi. The casual manner in which the Chakma refugees were settled in NEFA by the Indian

federal government, as seen in one of the earlier chapters, speaks volumes about the nature of treatment that was meted out to the indigenous peoples of this centrally administered peripheral region of the country. Another important reason behind the relative lack of awareness about the Chakmas is that they have till now not acquired the official status of 'refugees' in India. This explains their complete absence from all official as well as non-official enumeration of refugees in the country.

It is noteworthy in this regard that in the absence of any accurate figure on their total number, the same figure of 65,000 is repeatedly quoted in all accounts of the issue since the early 1990s, including this study. The authenticity of this figure, however, seems plausible as it was quoted by the Chakmas themselves in a memorandum submitted to the Rajya Sabha Committee on Petition in the mid-1990s. The petition was jointly submitted by Snehadini Talukdar of Mizoram and Subimal Chakma of Delhi each representing the case of the Chakmas of Mizoram and Arunachal, respectively. It was in this memorandum that the two leaders had cited the population of the Chakmas in the two states at 80,000 and 65,000, respectively. Ever since then, the figure of 65,000 has become oft-quoted, continuing till date irrespective of a lapse of more than a decade in between. The figure for Arunachal is, however, strongly contested by the AAPSU in Arunachal which believes it has far exceeded the one lakh mark by now. As the present president of AAPSU recently observed: 'These refugees numbering around two lakhs had already encroached Namdapha National Park destroying its fragileness and indulged in anti-social activities through "Shanti Bahini", a militant organisation formed among them' (*Shillongtimes* 2007).

It was only in the early 1990s that the Chakma issue came to national limelight with the AAPSU issuing 'quit notices', threatening them to leave the state since they were not citizens of India. This was widely reported in mainstream dailies thereby attracting the attention of both the national elites and the public at large (Chakma 1994b; H.K. Singh 1994; Sen 1994; Special Correspondent 1994; *Times of India* 1994a; *Telegraph* 1994a; *University Today* 1994). Subsequent developments over the issue and the resultant politicisation by the political parties of the state further enhanced its visibility both at the national and international levels. Interestingly, in spite of all the media coverage of the issue and its increasing publicity at such a scale, no executive notification has yet been issued by the Indian

federal government declaring them 'refugees'. The power of granting asylum and declaring a particular group of people as 'refugees' in India is solely vested in the Indian federal government, as the Union Parliament alone has the right to deal with the subject of citizenship, naturalisation and aliens.

Interestingly, the *de facto* manner in which the Chakmas have come to be treated as refugees is a rather recent phenomenon. The 9 January 1996 verdict of the Supreme Court in the *National Human Rights Commission v. State of Arunachal Pradesh and Another* was the first official acknowledgement of their status as refugees. This was soon followed by the publication of the *Hundred and Fifth Report* of the Rajya Sabha Committee on Petition the following year which too endorsed the refugee status of the Chakmas of Arunachal. No other court verdict before 1996 whether of the Supreme Court or of the Gauhati High Court had recognised such a status for the Chakma people. Although the Indian federal government did use the term and mention these people as 'refugees' in the early 1990s under the P.V. Narshima Rao government, as the next chapter will show, during the proceedings in the Indian Parliament when the issue was raised by the Members of Parliament from Arunachal Pradesh in the wake of the AAPSU-led anti-Chakma movement, it had never before considered them so and had almost treated it as a closed chapter.

Had the AAPSU-led movement not attained the feverish pitch it did in the early 1990s, the issue of political identity of the Chakmas would have never attracted the kind of attention it actually did from some of the highest decision making bodies in the country. It is a different matter, however, that the issue of the deportation of 'foreign nationals', including the Chakma refugees, has always been on the top of the agenda of this student body since the early 1970s.⁸ This is particularly significant in the light of the fact that this was a period in which the anti-foreigner issue in Northeast India had not yet become part of the popular discourse. Ironically enough, the rise of the anti-foreigner movement in Arunachal is invariably viewed as an outcome of the popular mass movement against foreigners in Assam which shook both the state government and the centre alike in the early 1980s. The reason for this could well be that until the early 1980s the news of protest against the Chakma foreigners in Arunachal by AAPSU was never reported. Hence, most of the news which started surfacing in the early 1980s treated it as an offshoot of the

Assam agitation against foreigners (*Business Standard* 1982; *Indian Express* 1980; Gupta 1982).

As reported in *Indian Express* (1980): 'The "foreign nationals" issue, at present rocking most North-Eastern States, is spilling over to Arunachal Pradesh with thousands of refugees from riot torn Assam and Meghalaya seeking refuge here.' The same newspaper reported a growing nexus between the AASU and AAPSU a couple of years later:

Not only did the AAPSU hold its Press conference in Gauhati with the AASU assistance, it also held its executive meeting in North Lakhimpur.... Even sources close to AASU, however, do not look forward to long-term cooperation with the AAPSU though it is considered expedient to use the organisation for the time being to pressurise the central government. (Gupta 1982)

As also reported in *Business Standard* (1982):

Taking a cue from the All Assam Students' Union (AASU), a newly formed⁹ firebrand students' body in Arunachal Pradesh "All Arunachal Pradesh Students' Union" (AAPSU) organized the demonstrations and bandh. Like AASU the "foreigners" are the main obsession with the AAPSU. Topping the four-point charter of demands of the AAPSU is the strident call of "expulsion" of the Tibetan and Chakma tribal refugees who settled in phases in the union territory in early sixties".

The same perception is shared by others as well:

In [1982], the All-Assam Students' Union (AASU) started an agitation in Assam against foreign nationals and had taken the shape of a widespread mass movement. This Students' movement in Assam inspired the AAPSU greatly and it gave support to the Assam agitation by launching its movement in 1982 demanding the deportation of Bangladeshis from the state besides pressing the Arunachal government to accept its demands. The more or less identical problems faced by the two students organisations of the two states on the immigrants and foreign nationals issues had thus established a concord between the AAPSU and AASU. (Prasad 2007: 1374)

Finally, a comparative account of the diasporic Chakmas in different states of Northeast India clearly reveals the nature and extent of their marginalisation in exile. Astonishingly, despite the extent of their fragmented identities, there is no demonstrable evidence to suggest that they are engaged in any meaningful collective political project to shape a common future

in diaspora. Far from it, a survey of the modes of self-definitions employed by them during the fieldwork for this study clearly revealed that they rarely share their collective experiences and aspirations in terms of a diasporic entity. As a consequence, there is no semblance of any common purpose, let alone unity and solidarity, among them. This is primarily so because of the very different contexts in which they came to India and the entirely different sets of concerns which they are currently faced with. Interestingly however, there is a widespread, albeit subtle, realisation among them that any generalised collective identification of their concerns is neither possible nor desirable, as it might unnecessarily complicate and unsettle their existing legal status. However, what is indeed common among them is an element of palpable perplexity and determined unwillingness to identify themselves with the land of their past—the Chittagong Hill Tracts in Bangladesh. This is not difficult to understand given their rather prolonged stay in India, particularly in Mizoram and Tripura, where they are acknowledged as Indian citizens, and even in Arunachal where they do have a legitimate claim to Indian citizenship under the various provisions of the Indian Citizenship Act.

NOTES

1. The Inner Line Regulation came into effect in certain parts of Northeast during the colonial rule under the East Bengal Frontier Regulation Act, 1873. The continuation of the colonial institution of the Inner Line in Arunachal Pradesh, Mizoram and Nagaland gives, as noted by Sanjib Baruah (2005: 184): 'an even stronger layer of protection against potential settlers. Anyone entering those territories is first required to secure an official permit. One of the unintended effects of this process of incremental policy-making is that the idea of exclusive homelands, where certain ethnically defined groups are privileged, has become normalized in the region.'
2. It was in 1982 that an Autonomous District Council for the tribal areas of Tripura first came into existence as a result of the enactment of the Tripura Tribal Areas Autonomous District Council Act 1979 by the state government. Subsequently, the Constitution of India was amended in 1985 with a view to facilitating the setting up of an Autonomous District Council under the Sixth Schedule of the Indian Constitution.
3. *The Times of India*, 20 July 1993.
4. *The Times of India*, 17 January 1997.
5. *The Statesman*, 22 July 1994.
6. *The Statesman*, 22 July 1994; *The Times of India*, 20 July 1993.

7. See also *The Times of India*, 1 February 1994; *The Times of India*, 25 July 1994.
8. AAPSU was formed in 1947 with its original nomenclature as Adi-Mishing Students' Union (AMSU) which in 1967 came to be known as All-North Eastern Frontier Agency Students Union (ANEFASU). It was only in 1972 with the transformation of NEFA into a Union Territory renamed as Arunachal Pradesh that ANEFASU also rechristened itself as All Arunachal Pradesh Students Union (AAPSU).
9. As noted in the Note no. 8, AAPSU was formed way back in 1947. Even in its reincarnation as AAPSU it had come into existence in 1972. Such misinformation about the region and the varied issues confronting the lives of the people are pretty much common in the mainstream newspaper reporting. The *Indian Express* too had wrongly reported in 1980 that the Chakmas were settled in Arunachal after the 1971 war with Pakistan, whereas the actual settlement had taken place during 1964–69. According to the said newspaper (1980): 'The Arunachal Government is also facing a problem regarding the nearly 36000 Chakma refugees from Chittagong district [Chittagong Hill Tracts] in erstwhile East Pakistan who were rehabilitated in Tirap district after the 1971 war.' The same reporter was also oblivious of the fact that Arunachal in 1980 was a Union Territory and not a state. As it reports: 'Earlier on April 18 and 19 students here organised a two-day bandh to press for their demands which include expulsion of "foreigners" from the state and effective check on their entry' (*Indian Express* 1980).

Official Discourses of the Chakma Issue: Centre versus State

How long can a people afford to remain 'outside the bounds of citizenship'?¹ As this chapter reveals, the concerns of the Chakma refugees do not figure anywhere in the official scheme of things. They continue to remain outside the purview of state sovereignty, without any future hope of being able to determine their future. Bangladesh—the source of their belonging—refuses to own them, while the Indian state—where they have been residing ever since taking refuge—is reluctant to go beyond the question of citizenship, refusing to acknowledge the true nature of their existential crisis in the process. Ordinarily, grant of citizenship by a host state is widely seen as the best possible resolution of a refugee issue, particularly so if the people in question do not have any desire to go back to the country from where they have originally come. The process of integration in the host state may also prove smoother if the refugee population wishes so and the actually hosting communities do not perceive any threat arising from such inclusion.

However, in the context of the Chakma issue, mere grant of Indian citizenship is not enough to provide them long-term solace as they are settled in a region which is uniquely different from other parts of the country. Unless they are treated at par with the local indigenous peoples in all respects, grant of Indian citizenship in itself will not lead to their fuller integration into the social-political fabric of the local society. However, it is precisely this unique status of Arunachal which is invoked by the state government to deny them a permanent foothold in the state. The state

government is not concerned with whether Indian citizenship is conferred upon them or not as long as they are not permanently settled in the state with equal rights as those enjoyed by the local indigenous peoples.

It is against this backdrop that the present chapter seeks to unravel the perceptions of the governments of Bangladesh and India and the state government of Arunachal Pradesh with respect to the Chakma issue. While the early 1990s witnessed unprecedented deterioration in the centre–state relations over the Chakma issue in the state, with each having its own definitive views, Bangladesh has maintained stoic silence as it believes its involvement in the issue is only notional. This is explained in terms of the fact that the land (CHT), the Chakmas once owned in East Pakistan from where they came, only symbolically forms part of the Bangladeshi territory today. The non-involvement of Bangladesh in the refugee issue is thus explained at two levels. First, the non-existence of Bangladesh as an independent sovereign entity in 1964, and the fact that even if under International Law, Bangladesh is obliged to abide by the agreements made by its predecessors; the Chakmas had migrated under no such agreement. Second, the joint communiqué signed and issued by Indira Gandhi and Mujibur Rahman in February 1972 unambiguously establishes the position of Bangladesh vis-à-vis the Chakma refugees of Arunachal Pradesh, wherein it was determined that India and not Bangladesh would be held responsible for all the migrants who entered India before 25 March 1971.² Ever since then it is this joint communiqué issued at the end of Mujibur Rahman's visit to India which has served as the basis for all bilateral negotiations between the two countries on all matters of migration of Bangladeshi nationals into India. The joint communiqué thus clearly reflects the Bangladeshi perception of the migration issue:

... the Prime Minister of Bangladesh solemnly reaffirmed his resolve to ensure, by every means, the return of all the refugees who had taken shelter in India since 25 March 1971, and to strive, by every means to safeguard their safety, human dignity and means of livelihood. (Bhasin 1994: 19)

What it meant by implication was that Bangladesh would not accept any of those who had migrated to India either from Bangladesh or from erstwhile East Pakistan before 25 March 1971, the day the Pakistani military crackdown on the Bengalis had begun leading to their flight to India. This later proved to be one of the biggest trans-border flows of people, with some

10 million of them taking shelter in the Indian state of West Bengal and other northeastern states.

From the perspective of the Bangladeshi state thus, the Chakmas of Arunachal Pradesh who had fled from the CHT in 1964 and sought refuge in India clearly fall outside the scope of the understanding reached between the two countries. Moreover, the recently concluded repatriation of all the Chakma refugees from Tripura who had migrated to India in different phases between 1979 and 1986 clearly testifies to the contemporary relevance of the joint communiqué issued in 1972. The process of repatriation of the Chakmas from Tripura under the above arrangement took a full circle with the last batch of refugees returning to Bangladesh on 27 February 1998 (Sankaran 1998: 45–49). The cut-off line as agreed upon between the two countries and as stated in the joint communiqué thus clearly explains Bangladesh's continuing silence on the Chakma issue in Arunachal Pradesh.

DIVERGENT PERCEPTIONS

Having seen the Bangladeshi perceptions on the Chakma issue in the preceding section, we now focus on the growing rift between the centre and the state owing to their divergent perceptions. Of late, both the central and state governments have been at loggerheads with each other over the eventual outcome of the festering Chakma issue in the state. While the central government has, on several occasions in the recent past, expressed its firm determination to grant citizenship to the Chakmas, the state government does not view citizenship to be an issue at all. Instead, it finds the very settlement of the refugees within the state to be problematic on account of the existing laws and safeguards applicable to Arunachal Pradesh and continues to insist on taking them out of the state.

PERCEPTIONS OF THE CENTRAL GOVERNMENT

The Chakma issue in Arunachal Pradesh has a rare distinction of having traversed through all successive generations of political leadership at the centre in postcolonial India. And yet, the issue has remained unresolved with no tangible solution in sight. However, a major share of the centre's inability in finding a lasting solution to the issue should squarely fall on the Congress (I), for it alone has been at the helm of affairs for

nearly 50 years in the more than 60 years of India's independent existence. Moreover, it was during the Congress (I) regime under the leadership of P.V. Narasimha Rao that the Chakma issue had ascended to national and international prominence by attracting the attention of not only the then central government, the National Human Rights Commission and the Supreme Court of India, but also several international human rights organisations.

The growing rift between the centre and state over the issue, for example, reached its peak in 1995 when the ruling Congress (I) ministry in Arunachal under the then Chief Minister, Gegong Apang, issued an uncompromising ultimatum to the central government asking it to take away and resettle the refugee population anywhere outside the state. In an unprecedented show of strength and solidarity, all the opposition parties in the state joined the ruling Congress (I) in unanimously declaring 31 December 1995 as the deadline for the centre to evict the Chakmas from the state. In case the centre failed to meet the deadline, the leaders of all the political parties of the state threatened that they would resign from the primary membership of their respective parties. It was also during this period that the Chakma issue evoked strong reactions from the All Arunachal Pradesh Students Union (AAPSU) which has been spearheading a popular movement since the early 1980s to evict the Chakmas from the state.

Even a change of guard at the centre in late 1990s could not bring about any significant change in the official Indian position on the issue. The BJP-led National Democratic Alliance (NDA) coalition government did not focus its attention on the problem in any significant manner. Its keenness to maintain the status quo is evident from the blame game it got into by shifting the blame squarely on to the state government. In April 1998, for example, the NDA submitted to the Supreme Court that it was helpless in doing anything about the question of grant of citizenship to the Chakma refugees, as the state government was not complying with the Supreme Court order. With the Congress at the helm of affairs both at the centre and in the state, the ball is once again back in the court of the oldest national political outfit which prides itself on a long tradition of responsive democratic governance. It is for these reasons that while discussing the perceptions of the central government, we would primarily

focus on the responses of the Congress-led central government under its different leaders. Unless mentioned, the two must thus be read interchangeably.

Although the central government has been reassuring the Chakmas of its desire to grant them citizenship ever since their resettlement in NEFA during 1964–69, its determination to actually do so grew stronger only in the recent past. It was only on 23 September 1992 that the first official pronouncement to this effect was made in the Lok Sabha by M.M. Jacob, the then Minister of State for Home and Parliamentary Affairs. It was in response to the points raised as a matter of urgent public importance by Laeta Umbrey, the Member of Parliament (MP) representing Arunachal, that Jacob had expressed the determination of the central government to grant citizenship to the Chakmas. While referring to the visit of a central team to Arunachal Pradesh in 1982, Jacob had communicated to Laeta Umbrey in a letter dated 23 September 1992:

... the Central Team which visited Arunachal Pradesh in 1982 to study the problem of these refugees expressed the view that the grant of citizenship would introduce an element of responsible social behaviour in these refugees. Further, a very large proportion of these refugees would have been born in India and therefore, would be automatically entitled to the grant of citizenship. (Government of Arunachal Pradesh 1996: 59)

Exonerating the Chakmas of all allegations levelled against them by the state government, Jacob observed in his letter that '... the presence of these refugees in the area has also not resulted so far in any major law and order problem though some isolated instances of friction between the locals and those of refugees have come to our notice' (Ibid.). In the absence of any major animosity between the refugees and the host society, he contended, the question of deporting them from the state does not arise. 'The general public in the State will have to be convinced that the burden of rehabilitation of these refugees will have to be shared by the country as a whole including Arunachal Pradesh' (Ibid.).

Responding to a letter received from Gegong Apang dated 26 March 1992, Jacob reiterated the consistent stance of the central government with regard to the question of grant of citizenship to the Chakmas rather emphatically by observing that as far as the central government is concerned, the issue is closed and 'we see no merit in reopening it.

In fact, the central government is strongly of the opinion that citizenship should be granted to these refugees to which they are entitled under the Citizenship Act, 1955' (Ibid.: 15).

The issue was, however, far from closed, as it came up for debate once again in the Rajya Sabha on 27 June 1994 when N. Yonggam, an MP from Arunachal Pradesh, raised the issue with a view to knowing the current stance of the central government. P.M. Sayeed, the then Minister of State for Home Affairs, communicated the views of the central government to Yonggam in a letter dated 7 July 1994. It mentioned that the settlement process of all refugee groups like the Chakmas, Hajongs, Tibetans and Yobins in Arunachal Pradesh was undertaken only after due consultation with the then NEFA administration. It further asserted that 'under the Indira-Mujib Agreement of 1972, it was decided that the Chakma/Hajong refugees who came to India from erstwhile East Pakistan (now Bangladesh) before 25.3.1971 will be considered for grant of Indian citizenship' (for full text of the letter, see Government of Arunachal Pradesh 1996: 60).

The above account clearly brings out not only the consistent position of the central government on the question of Chakmas' claim to Indian citizenship under the provisions of the Citizenship Act, 1955 and the Indira-Mujib Agreement of 1972, but also reveals the centre's firm determination to settle them permanently in Arunachal Pradesh. The perceptions of the central government on the question of citizenship were vindicated by the Supreme Court in its judgement delivered on 9 January 1996. A series of developments over the issue in the last few years had necessitated the intervention by the Apex Court.

On 26 August 1994, the AAPSU had issued 'quit notices' to all alleged foreigners living in Arunachal, including the Chakmas, to leave the state by 30 September 1995. It had even threatened to use force against them if its demand was not complied with. On 9 September 1994, the People's Union for Civil Liberties (PUCL), Delhi brought this issue to the notice of the National Human Rights Commission (NHRC), established under the Protection of Human Rights Act 1993. The NHRC was also approached for relief by the CCRCAP. The CCRCAP had filed numerous complaints of human rights violations of the Chakmas both at the hands of the state government and AAPSU with the NHRC, which prompted it to approach the Supreme Court for effective redress of Chakmas' grievances. However, before approaching the Supreme Court, the NHRC had issued appropriate

directions to the state government to take necessary steps to protect the Chakmas. Since the state government did not respond promptly, the NHRC developed doubts about its own efforts being enough in extending relief to the Chakmas. It was then that the NHRC decided to move the Supreme Court under Section 18 of the Protection of Human Rights Act 1993. Taking note of the seriousness of the threats issued by the AAPSU, the Supreme Court observed in *National Human Rights Commission v. State of Arunachal Pradesh and Another* that 'there exists a clear and present danger to the lives and personal liberty of the Chakmas'. The Supreme Court further observed: 'It was reported that the AAPSU had started enforcing economic blockade on the *refugee camps*,³ which adversely affected the supply of rations, medical and essential facilities, etc., to the Chakmas' (Emphasis added; *NHRC v. State of Arunachal Pradesh & Another* 1996). They were therefore 'entitled to the protection of Article 21 of the Constitution'.

Drawing attention to a joint statement issued by the Prime Ministers of India and Bangladesh in 1972, the judgement upheld Chakmas' right to citizenship by noting, among other things, that the Union government had decided to confer citizenship on to the Chakmas in accordance with the Section 5(1)(a) of the Citizenship Act which provides for citizenship status by registration. The three-member bench of the Supreme Court, comprising Chief Justice A.M. Ahmadi and Justices B.L. Hansaria and S.C. Sen, made a number of significant remarks relating to the protection of Chakma refugees:

We are a country governed by the Rule of Law. Our Constitution confers certain rights on every human being and certain other rights on citizens. Every person is entitled to equality before the law and equal protection of the laws. So also, no person can be deprived of his life and personal liberty except according to procedure established by law. Thus the state is bound to protect the life and personal liberty of every human being, be he a citizen or otherwise, and it can not permit any body or group of persons, e.g., the AAPSU, to threaten the Chakmas to leave the state, failing which they would be forced to do so. No state government worth the name can tolerate such threats by one group of persons to another group of persons; it is duty bound to protect the threatened group from such assaults and if it fails to do so, it will fail to perform its constitutional as well as statutory obligations. Those giving such threats would be liable to be dealt with in accordance with law. The state government must act impartially and carry out its legal obligations

to safeguard the life, health and well being of Chakmas residing in the state without being inhibited by local policies. Besides, by refusing to forward their applications, the Chakmas are denied rights, constitutional and statutory, to be considered for being registered as citizens of India. (NHRC v. State of Arunachal Pradesh & Another 1996)

In a severe indictment of the Apang government, the Supreme Court further directed the Chief Minister to ensure that '... the life and personal liberty of each and every Chakma residing within the State shall be protected'. The bench further ruled that '... except in accordance with law the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein'. Any attempt, the ruling observed, to evict them forcibly '... shall be repelled, if necessary, by requisitioning paramilitary or police force'. The present ruling preceded an interim order by the Apex Court of 2 November 1995 in which it had directed the state government to 'ensure that the Chakmas situated in its territory are not ousted by any coercive action, not in accordance with law'.

The pronouncement of the Supreme Court verdict was soon followed by the publication of *Hundred and Fifth Report of Rajya Sabha Committee on Petition*, the Upper house of Indian Parliament on 14 August 1997.⁴ With the publication of this report, the Chakmas of Arunachal Pradesh received yet another shot in the arm for it once again unambiguously established their legitimate claim to Indian citizenship. Moreover, the presentation of the report by its Chairman, O. Rajagopal further upheld the consistent position of the central government on the issue of citizenship to the Chakmas. The Committee recommended thus:

41. The Committee feels that the spirit of the Indira-Mujib Accord as well as the judgement of the Supreme Court in the matter may be made applicable to all the affected states for the solution of the problem. As per the Accord, all those Chakmas who came to India prior to 25.03.1971 are to be granted Indian citizenship.

42. The Committee, therefore, recommends that the Chakmas of Arunachal Pradesh who came there prior to 25.03.1971 be granted Indian citizenship. The Committee also recommends that those Chakmas who have been born in India should also be considered for Indian citizenship. The Committee further recommends that the fate of those Chakmas who came to the State after 25.03.1971 be discussed and decided by the Central government and the State government jointly. The Committee also recommends that all the old applications of Chakmas for citizenship which have either been rejected

or withheld by Deputy Commissioners or if the State government continues to block the forwarding of such applications to the Central government, the Central government may consider to incorporate necessary provisions in the rules (or the Act if so required) whereby it could directly receive, consider and decide the application for citizenship in the case of the Chakmas of Arunachal Pradesh.

The Committee also recommends that Chakmas be also considered for granting them the status of Scheduled Tribes at the time of granting citizenship. The Committee would like to earnestly urge upon the Central government and the State government to ensure that until amicable solution is arrived at, the Chakmas are allowed to stay in Arunachal Pradesh with full protection and safety, honour and dignity. (Rajya Sabha Committee on Petition 1997: 29–30)

It becomes abundantly clear from the above that from the perspective of the Chakma refugees, this report was a significant improvement over the 1996 Supreme Court judgement in at least two important respects. First, for recommending the need to do away with the existing mandatory practice of getting the citizenship applications forwarded by the Deputy Commissioners under Rules 8 and 9 of the Citizenship Act, 1955 before sending it to the central government. Second, for strongly recommending the case of the Chakmas to be simultaneously considered for the grant of Scheduled Tribes status while being granted Indian citizenship.

PERCEPTIONS OF THE STATE GOVERNMENT

While the central government has consistently held the position that the claim of Chakmas to Indian citizenship is legitimate and that the government is committed to granting them the same, the state government does not view citizenship to be an issue at all. However, the state government is irreconcilably opposed to any attempt by the centre to settle them permanently in the state. This is so because the state government views the very nature of Chakmas' settlement to be problematic in view of the 'protected area' status that Arunachal Pradesh has been enjoying since the colonial period. The problematic nature of Chakmas' settlement in the state is explained by the government in terms of violation of the existing statutory cover and some of the constitutional safeguards provided to the indigenous peoples under the provisions of the Bengal Eastern Frontier Regulation of 1873 and the Chin Hills Regulation of 1896.

The continuing applicability of the Bengal Eastern Frontier Regulation, 1873 in the state debars the entry of non-natives into the hill tracts

without obtaining an Inner Line Permit from the competent authority. It also forecloses the possibility of any outsider who is not a native of the state, from developing any interest in the land or the produce of the land. The Regulation also provides sole authority and discretion to the state government by vesting in it the legitimate power to cancel or vary the conditions of the Inner Line Pass (for details, see Government of Arunachal Pradesh 1996). This regulation was extended to Arunachal Pradesh by Section 7 of the Scheduled Districts Act, 1874 which reads:

All rules heretofore prescribed by the Governor-General in Council or the Local Government for the guidance of officers appointed within any of the Scheduled Districts for all or any of the purposes mentioned in section 6, and in force at the time of the passing of this Act, shall continue to be in force unless and until the Governor-General in Council or the Local Government, as the case may be, otherwise directs. (Luthra 1993: 49)

Similarly, the Chin Hills Regulation, 1896 also '... empowered the district administration to extern any person not being a native of the area if his presence is found injurious to the peace and good administration of government' (Government of Arunachal Pradesh 1996: 6). The settlement of the Chakmas in the state despite the continued applicability of the above regulations is thus seen by the state government as violative of the existing rules. As Gegong Apang observed:

... the settlement of these refugees was done in violation of the provisions of the Constitution and various statutory provisions and was not in accordance with the policies adopted by the Union Government in regard to the administration of the tribal areas ... when our Indian brothers and sisters are respecting our ethnicity and obtaining inner line permits to enter the State, how the Government of India is going to settle refugees in our area permanently, I wonder. (*Hindustan Times* 1996)

The settlement of the Chakmas in the state is also contested by the state government on the ground that Nehru's Panchsheel principle with respect to the administration of the tribal areas was totally ignored while resettling them in NEFA. As discussed in detail earlier in Chapter 2, Panchsheel represented the quintessence of Nehru's philosophy of governance of tribal areas, which clearly underlined the need for respecting tribal rights on land and forests and avoiding introduction of too many outsiders into the tribal territory.⁵ In view of the above principles, as outlined in Nehru's

Panchsheel, the state government strongly contends that while settling the Chakmas in the state, the central government did not pay any attention to the above principles (Government of Arunachal Pradesh 1996:10).

The contention of the central government that the settlement of the Chakmas was undertaken by the then NEFA Administration in consultation with the local people is also challenged by the state government on the ground that the local people were not only resentful of such a move, but also expressed their resentment which went unheeded. This is evident, the state government contends, from the various correspondences during the period of settlement (1964–69), which highlights the resentment of the local people against Chakmas' settlement in the state. A reference is made in this regard by the state government to a letter dated 21 July 1964 by P.B. Kar, Director, Forests, in which he had reminded the District Forest Officer, Changlang, that '... [t]he main work that requires to be done is to obtain concurrence of the villagers. They have sent a representation against such settlement. Whether the villagers have given this permission of their free will or out of fear that the administration wants it, we do not know' (Government of Arunachal Pradesh 1996: 75). This letter was addressed to S.B. Roy, Divisional Forest Officer, Changlang Forest Division, Tirap. Another reference in this regard is made by the state government to a letter of protest dated 25 August 1964 by a group of villagers against the settlement of the Chakmas in which the villagers pleaded for Chakmas' removal from their area:

It has come to light that of late Government has allowed Chakma Naga refugees migrated from Pakistan to settle in Chikao, Namdai villages and accordingly, about 1500 Chakma Naga refugees have settled in above villages. If the Chakma Naga refugees are allowed to settle in the area permanently, then we the bonafide villagers will have to face serious consequences because it would not be possible for us at all to mix up with them due to the fact that there is no similarity of culture, tradition and above all behaviour of these people with us. In view of the pitiable condition, we fervently urge your goodself would be kind enough to adjudge the matter sympathetically and pass necessary order to settle the Pakistani Chakma Naga refugees somewhere outside our area ... (Government of Arunachal Pradesh 1996: 50–51)⁶

The state government is also critical of the central government for its decision to settle the Chakmas in NEFA on the ground that the various *Kebangs* in the refugee settlement areas—the traditional village councils which enjoy unfettered and undisputed power in all aspects of community life and

whose legal sanctity is duly acknowledged even by the government—were not consulted before settling the Chakmas in the state. It may be worth mentioning here that Arunachal Pradesh is a rare example of a society where both modern and traditional administrative structures operate in complete harmony with each other. Despite the introduction of modern institutional structures, the authority of the village councils has remained intact and is judiciously exercised in all matters of disputes, both civil and criminal. As noted by Luthra (1993: 9–33):

... a special provision known as the Assam Frontier [Administration of Justice] Regulation, 1945 was introduced with the express object of ensuring that a vast majority of disputes and cases, both civil and criminal, may be adjudicated in accordance with the prevailing traditional codes of the tribal communities. The Indian Penal Code was, however, introduced in the year 1916 for the purpose of holding trials by regular courts of law if this became absolutely necessary ... thus at the basic level of village, the social, cultural and legal affairs of the villages continued to be handled with complete freedom by traditional village authorities.

What seemed to have prompted the decision of the central government in settling the Chakmas in NEFA, the state government contends, is the absence of a popularly elected government in 1964. As discussed in detail in Chapter 2, NEFA in 1964 was directly under the control of the central government and was ruled by the President of India through the Governor of Assam who in turn was assisted by an Advisor in administering the area. The state government thus contends that the absence of a popular government in NEFA in 1964 facilitated an easy and smooth settlement of the Chakmas in the then NEFA. This situation was further exploited by a Chakma officer, U. Chakma who, according to the state government, was not only biased against the local indigenous peoples, but also took personal interest in settling the Chakmas in NEFA by disregarding the guidelines for implementation of settlement schemes as formulated by the then Advisor to the Governor of Assam. Elaborating upon the role played by U. Chakma in settling the Chakmas in NEFA, the state government contends:

... settlement got started on the basis of the report of Shri U. Chakma, the then Political Officer, Pasighat who was highly biased against the indigenous peoples. His bias against the local tribal peoples was amply reflected in his note on the relevant file, on 'settlement of Miao–Bijoyagar Valley' wherein

he advised that 'too much importance and indulgence should not be given on tribal reactions and so-called tribal policies which encouraged pampering and spoils the tribals'. He himself suggested 'if it is decided that the Chakma tribals are to be settled within these areas, Shri U. Chakma, Political Officer, Pasighat may be made Settlement Officer-cum-Additional Political Officer of Changlang in addition to his present duties'. When an officer who was holding such a biased view against the innocent and peace-loving indigenous tribal peoples, was made incharge of the settlement scheme, obviously the interests of the local people could not be safeguarded. The prescribed guidelines were ignored by him as it was found inconvenient to settle the Chakmas in terms of and within the procedural parameters of the above guidelines. (Government of Arunachal Pradesh 1996: 11)

The 'culpability' and 'high-handedness' of U. Chakma in settling the Chakma refugees in NEFA is also brought to notice by the state government through a reference to a letter by P.N. Luthra dated 17 July 1964 in which he had clearly warned the Political Officer for his 'over-enthusiasm' in settling the Chakma refugees without government approval:

:

2 ... no new settlement should be started in the vicinity of an old village except with the explicit and written consent of the villagers themselves. In the case of Namp hai where you have proposed a new settlement, we have not so far obtained any written consent from the villagers and until this is done, it would be premature to think of planning on a long-term basis.

:

4. You have also referred to certain difficulties and sufferings of the refugees. I regret to point out that all these would not have happened if action about the move of the refugees was taken strictly in accordance with our instructions. You will recall that the move of the first batch of 490 people [was] initiated entirely on your own and before the administration gave approval. You will recall that we were then looking forward to your visiting Shillong to finalised [sic] the future line of programme of tours you may have to undertake to Tripura and Mizo Districts for the selection of refugee families. Suddenly a batch of 490 people arrived in Assam on their way to NEFA and subsequently it was found that these people had already started their move at your initiative.

:

5. ... if these persons continue to come at their own initiative or on instructions issued by you, then I regret to say, they will have to be returned to wherever they come from. (Government of Arunachal Pradesh 1996: 48-49)

Yet another bone of contention between the centre and the state over the Chakma issue relates to the mutually conflicting perceptions over the time-frame for Chakmas' settlement in Arunachal Pradesh. While the state government has all along viewed the settlement to be temporary in nature, the central government is of the view that the settlement was permanent. As is evident from the contention of the state government:

Till the Central Government made its intention clear in January 1993 to grant citizenship rights to these refugees without any mention of their removal/deportation, the indigenous tribal people and the State Government were under the impression that the refugees were settled temporarily and that they would be shifted out to some other place outside Arunachal Pradesh. But this did not happen. On the contrary these refugees campaigned for early grant of citizenship and their permanent settlement in Arunachal Pradesh. (Government of Arunachal Pradesh 1996: 12)

The state government further corroborates its contention by referring to numerous official correspondence of the period which point towards the temporary nature of Chakmas' settlement in the state. For example, reference is drawn in this regard by the state government to a letter dated 17 March 1972 by P.N. Luthra, Additional Secretary to the Government of India, Ministry of Labour and Rehabilitation, Branch Secretariat, Calcutta to K.A.A. Raja, Chief Commissioner, Arunachal Pradesh in which Luthra had expressed the views of the central government on the question of repatriation: '... At present, we are arranging the repatriation of refugees who entered India from 25 March 1971. The question of return of those who came to India prior to the above-mentioned date is under consideration' (Government of Arunachal Pradesh 1996: 72).

Citizenship: Not an Issue

In sharp contrast to the perception of the central government, which is exclusively centred on the question of citizenship, the state government does not view citizenship to be an important issue. What is of central importance to the state government instead, is the question of Chakmas' permanent settlement in the state, which they strongly contest. Even though the central government's consistent position to grant citizenship to the Chakmas has been vindicated both by the Supreme Court and the Parliamentary Committee on Petition and several other NGOs and human rights organisations like the People's Rights Organisation, People's Union

for Civil Liberties, National Human Rights Commission, etc., the state government is of the view that the question of citizenship is the prerogative of the central government which it can willy-nilly grant to the Chakmas, but not before taking them out of the state of Arunachal Pradesh. As is evident from the response of the state government to the NHRC, '... the question of grant of citizenship is entirely governed by the Citizenship Act, 1955 and the Central Government is the sole authority to grant citizenship. The State Government has no jurisdiction in the matter' (*NHRC v State of Arunachal Pradesh* 1996). As also, according to the former Chief Minister Gegong Apang: '...We are not against the grant of citizenship right to the Chakma and Hajong refugees per se, we are only urging the Central Government to take them out of Arunachal as their temporary settlement is illegal and thereafter citizenship rights may be conferred' (*Hindustan Times* 1996). Elaborating upon the need to take them out from the state, the Chief Minister observed: '...they can very well be settled in other parts of the country where they are not likely to make significant demographic impact on the local population. The population of indigenous tribes in my State is hardly 5 lakhs. If large number of refugees are allowed to settle there, we are bound to lose our identity and culture' (*Ibid.*). The Chief Minister further remarked: '... Arunachal is a protected area. No one other than a local tribal can settle there. It is done to save the tribals from extinction. How can you [central government] permanently settle foreigners in such a sensitive area' (*Times of India* 1994c)?

The political significance of the joint-statement issued by Indira Gandhi and Mujibur Rahman in 1972 in relation to the question of granting citizenship to the Chakmas and their permanent settlement in Arunachal Pradesh is also contested by the state government. While not questioning the rationale behind the issuance of the joint statement, the political sanctity of which is upheld both by Bangladesh and India, as recently demonstrated in the case of Chakmas' repatriation from Tripura, the state government is of the view that it is simply not 'relevant' in the context of the Chakma issue in Arunachal Pradesh. The irrelevance of the Indira-Mujib Agreement of 1972 is sought to be explained by the state government in terms of its non-applicability to Arunachal Pradesh in view of its protected area status and the existence of internal control mechanisms through the instrument of Inner Line Permit system as provided for under the Bengal Eastern Frontier Regulation, 1873 and the Chin Hills Act, 1896. In other words,

the state government is of the view that even if the central government is obliged to confer citizenship on to the Chakmas under the Indira–Mujib Agreement, it cannot settle them permanently within the state since ‘... the Agreement [does] not take away the rights of the State government to restrict the entry of non-locals through the instrument of Inner-line Permit and not to allow permanent settlement of non-locals in the State. The issue is not one of conferment of citizenship rights on these refugees but against the permanent settlement of these refugees in Arunachal Pradesh’ (Government of Arunachal Pradesh 1996: 19). Furthermore, while responding to the charge of violating the political sanctity of the Indira–Mujib Agreement of 1972 by demanding the removal of the Chakmas from the state, Apang had thus remarked:

The Indira–Mujib accord was signed in 1972; our Constitution came into being in 1950. The Indira–Mujib accord has not mentioned specifically about Chakma and Hajong refugees of Arunachal Pradesh. Moreover, the Chakma and Hajong settlement in the State has been done violating the legal sanctity and constitutional provisions, the question of violating the political sanctity of Indira–Mujib accord does not arise. (*Hindustan Times* 1996)

THREAT PERCEPTIONS

Having seen the problematic nature of Chakmas’ settlement from the perspective of the state government, we now seek to identify some of the reasons, which make the state government resist the prospect of Chakmas’ permanent settlement in Arunachal Pradesh. Although the demand for the removal of Chakmas from Arunachal started surfacing right since the formation of a popular government in 1979, such demands could become visible only recently with the state government taking it head-on with the central government in the wake of the centre’s growing determination to grant citizenship to the Chakmas without any indication of taking them out from the state. As many as three resolutions demanding the removal of the Chakmas were unanimously passed in the State Assembly between 1980 and 1994. The unwillingness of the state government to allow Chakmas’ permanent settlement in Arunachal Pradesh emanates from its perceived threat that it may pose to the interests of the local indigenous peoples of the state.

The state government is vehemently opposed to the idea of Chakmas’ permanent settlement in the state on the ground that their presence is

causing 'irreparable damage' to the fragile ecology of Arunachal Pradesh—known for being one of the 10 global 'hotspots' of biodiversity and for its fragile mountain eco-system. According to Elizabeth M. Taylor, Arunachal Pradesh is the most richly endowed region in the whole of the Himalayas in terms of its share of 'pristine forest and intact mega-biodiversity' (Taylor 1996). Numerous instances of large scale encroachment of reserved forest land and illegal felling of trees are cited by the state government in support of its contention that the Chakmas have become a living threat to the fragile ecology of the state, necessitating their ouster from the state. According to the state government:

... Chakma refugees have been intruding into the Namdapha project/National Park area and causing destruction to the habitat ... They have also been indulging in illegal cutting of trees. This biotic interference has damaged the flora and fauna of the habitat. Recent assessment conducted by the Field Director, Namdapha Tiger Reserve shows that an area of 24.6 Sq. miles has been adversely affected by the biotic interference [of] the Chakmas. (Government of Arunachal Pradesh 1996: 13)

Further, the state government also claims that it has, of late, retrieved a large chunk of 'illegally' occupied land from the Chakmas:

During 1993–1994 about 400 hectares of Diyun Reserved Forest land was retrieved which was under illegal occupation of Chakmas since 1986 ... Chakma and Hajong encroachers of 20 hectares plantation (1985–86) near Bijoypur under Bordumsa Range were evicted on 31 October 1995. On 18 June 1994, 50 Chakma families were evicted from Manabhumi Ridge of Tengapani Reserved Forest. On 9 August 1994 Chakma occupants of 20 huts were evicted. On 22 November 1995 notices were issued by Divisional Forest Officer, Banderdewa to 20 Chakma refugee settlers to vacate nearly 110 hectares of Drupong Reserved Forest allegedly encroached by them. Between 20 October 1995 and 26 October 1995, in all, Chakma encroachers from 46 huts were evicted and an area of 47 hectares of Diyun Reserved Forest was retrieved. (Government of Arunachal Pradesh 1996: 13–14)

Such detailed description of eviction drives undertaken by the state government are instrumentally used to counter allegations of forcible eviction of Chakmas and their human rights violations at the hands of the state government. The state government is of the view that legal actions

are being labelled as illegal by certain human rights organisations like the People's Rights Organisation and NHRC. Elaborating upon its position in this regard, the state government contends:

Whenever, the State government took action to curb the tendency of Chakmas to encroach and expand their settlement beyond their original settlement areas, some Delhi-based Peoples' Rights Organisation invariably raised the bogey of human rights violation of the refugees settled in Arunachal Pradesh and small incidence of quarrels between Chakmas and local people on account of conflicting interests were blown out of proportion to project these incidents as State-sponsored activities perpetrated on hapless refugees. (Government of Arunachal Pradesh 1996: 14)

Chakmas' alleged involvement in 'criminal' and 'anti-national' activities is perceived by the state government as yet another ground for the latter's continuing opposition to their permanent settlement in Arunachal Pradesh. According to the state government:

They have not only caused large scale encroachment on forests thus affecting the customary rights of the indigenous peoples over forests adversely but were also found indulging in illegal activities such as commission of offences under various laws: collection of arms and ammunition, establishing contacts with extremist groups, encroachments of adjoining lands and straying in other areas for settlement etc. and even murdered Shri Nikkon Kimsing, Gaonburah of Sonking village (a much revered village chief) and also a circle officer of Diyun. (Government of Arunachal Pradesh 1996: 15)

A similar observation was made by D.C. Sankhla, Commissioner, Home and Political, Government of Arunachal Pradesh:

... it is a fact that in view of the criminal and anti-national activities of these refugees, the local legislators have shown their concern about the Central government accepting their [Chakmas'] demand for citizenship who have been endangering the sovereignty and integrity of the country by doing anti-national activities. (Rajalaksmi 1996: 39)

Such contentions were further substantiated by the Commissioner by referring to a High Court ruling which too had '... taken note of the fact that a large number of complaints were filed by the natives against the Chakmas complaining that they were creating law and order problems,

procuring arms and ammunition, hobnobbing with anti-social elements and maintaining contacts with ultras across the border' (Rajalaksmi 1996: 39).

In addition to the above, the prospect of Chakmas' permanent settlement in Arunachal Pradesh is also being opposed by the state government on grounds of certain inherent physical limitations owing to its typical geographic conditions:

... the entire land of Arunachal Pradesh being hilly and rugged has extreme paucity of cultivable land. In absence of plain fertile land, the indigenous tribal people in order to eke out their living have to resort to age-old practice of jhooming (shifting cultivation on hilly slopes). With increase in population the practice of jhooming has become detrimental to the forest eco-system which is fragile.

Though geographical area of Arunachal Pradesh is much more than that of other six sister States of North-Eastern region, the land fit for cultivation and human habitation is too less. Since Arunachal Pradesh is industrially very backward, entire population of the State is totally dependent on agriculture/forests. Therefore, the issue ought to have been decided keeping in view the carrying capacity of the available fertile land besides the historical, socio-cultural, and legal background of the indigenous people and the State. (Government of Arunachal Pradesh 1996: 21)

We can finally conclude by observing that the varying perceptions, as crystallised in the above account, stem from the conflicting concerns of different parties involved in the issue. Such conflicting concerns in turn have led to a situation of political stalemate with no tangible solution in sight. While Bangladesh has remained indifferent to the plight of the Chakmas, the centre-state relation over the Chakma issue has deteriorated considerably with both pulling in diametrically opposite directions. This is so because both the central and the state governments are primarily engaged in addressing altogether different sets of concerns. For example, while the question of Chakmas' right to citizenship occupies centrestage in the perspective of the central government, the same is of only peripheral importance to the state government. Conversely, the state government is not questioning the legitimate authority of the central government to grant citizenship to the Chakmas per se, but rather views their settlement and continuing presence in the state to be problematic and

objectionable in view of the special status accorded to the state under the Indian Constitution. What the state government is indeed questioning and resisting, therefore, is the prospect of Chakmas' permanent settlement in the state, which, it apprehends, might endanger the prevailing peace in the state with all its attendant social, economic and political consequences.

NOTES

1. I borrow this expression from B.S. Chimni who presents a very insightful overview of the status of aliens, illegal migrants and refugees in India in a book chapter using it as the main title of his paper in which he makes a strong case for the adoption of a *humane* regime for migrants and refugees. As he puts it himself: 'Without national laws governing migrants and refugees, they will continue to remain at the mercy of the Indian state ... [since] there is a perceived monopoly of the state over dealing with non-citizens' (Chimni 2005: 310, 313).
2. The joint communiqué was issued at the end of the visit of the Prime Minister of Bangladesh, Sheikh Mujibur Rahman to India on 8 February 1972. This joint communiqué is also often referred to as Indira–Mujib Agreement of 1972.
3. There are no refugee camps in Arunachal Pradesh housing the Chakma refugees. Instead, they all live in their own houses depending on the level of their affluence. While the reports of economic blockades were indeed widely reported in newspapers and were also confirmed to the author by the Chakmas themselves, which the Supreme Court relied upon while delivering its judgement, the mention of the existence of 'refugee camps' in the state without verifying the facts clearly shows the gap between the ground realities and the presumptuous nature of the Apex Court's judgement. This is significant for the simple reason that such presumptions can seriously colour the perception of any agency in looking at a problem in a particular fashion. Also, a careful look at the Supreme Court verdict clearly reveals a complete absence of focus on the concerns or fears, real or imagined, of the indigenous peoples of the state.
4. The petition pertaining to the problems being faced by the Chakma population in Mizoram and Arunachal Pradesh was jointly signed by Snehadini Talukdar of Mizoram and Subimal Chakma of Delhi, respectively.
5. Nehru's five fundamental principles in relation to the administration of NEFA, often referred to as Panchsheel, were outlined in a Foreword to the Second edition of Elwin's book on NEFA. For the full text of these principles, see Elwin (1988: ix.).
6. The use of the curious term 'Chakma Naga refugees' is puzzling, as there is no evidence if such a community of people ever existed. The linkage of the Chakma people to the Nagas by the villagers in their representation was,

in fact, a bizarre way of articulating their fear of the unknown consequences which they thought would invariably result from the settlement of such people in their areas. Moreover, the dominant image of the Naga people as a 'rebel' group, which had challenged the legitimacy of the Indian state in incorporating Naga peoples within the Indian nation-state, might have influenced their decision in using this expression with a view to conveying their fear of the outsiders and consequent unwillingness to host them in their land.

Chakmas' Self-perceptions: Understanding Everyday Lived Experiences of Refugees

Much against the dominant trend in official discourse and popular commentaries which tend to privilege national security perspective or legal-juridical framework, the focus in this chapter is on understanding everyday lived experiences of refugees from their own vantage points. This is informed by a growing realisation among the students of refugee studies that such uprooted people invariably get pushed to the margins under the dominant security-centric discourse. Further, even where the state's response is ostensibly shaped by humanitarian considerations, refugees are often seen as mere objects for assistance with no inherent ability or autonomous will to reorganise their lives.

Of late, however, the term 'refugee experience' has gained wider currency in refugee studies, and is being increasingly employed by scholars of varying political complexions to signify the human consequences of forced migration. Privileging such an approach over the dominant official discourse in an attempt to map the impact of forced migration not only allows us to accord centrality to the refugees *themselves*, but also opens new avenues for explorations into the social and political history of the regions which they leave behind and the new host society/country where they move in as asylum seekers or refugees. One of the most tangible benefits of privileging such an approach in general and in the more specific context of this study is that it affords us an unique opportunity not only to delineate the trajectory of the Chakmas' turbulent past and their pathetic present, but also the nature and extent of their uncertain and unpredictable future.

More importantly, it allows us to demonstrate how the personal and the political interact in shaping of refugee's experiences. The manner in which the Chakmas were persecuted on political and religious grounds by the Pakistani regime and the subsequent submergence of their arable land owing to the completion of Kaptai hydel power project left them with virtually no option but to seek shelter in India. It is this social history of displacement that has not only shaped their political consciousness over the years, but also explains their determined unwillingness to return. It is in this sense that the need for acknowledging and validating refugee experiences—the sharing of pain and injustice—becomes one of the necessary preconditions or perhaps a prerequisite to successfully resolving refugee crises (Ager 1999).

Additionally, from the perspective of Chakma refugees, the adoption of such a framework allows them to reconstruct their past and prioritise their present concerns in a manner which is rarely represented otherwise. In other words, it allows them to articulate their responses to various issues since the time of their pre-flight situation in the CHT in what was then East Pakistan to their present state of statelessness in the northeast Indian state of Arunachal Pradesh.

CONTESTED IDENTITIES

Straightjacketing people into fixed conceptual boxes may not always yield the desired objectives. In other words, attempts at stereotyping people in accordance with the existing conceptual categories may and do at times militate against people's self-perceptions. Whether the framework chosen for the purpose of constructing conceptual categories is grounded in the dominant national security discourse or emanates from the legal-juridical framework, it makes little or no sense to impose such categories on those who clearly refuse to be so labelled. More importantly, the manner in which a collectivity is labelled can play a significant political role in terms of legitimising or delegitimising it. The problem with describing a collectivity merely in terms of its religious identity is that it is done at the cost of its other equally important identity markers. In all such attempts, the fairly long history of its territorial base and linguistic identity is invariably glossed over with a view to delegitimising it. Such a framework poses serious problems for a given collectivity as it is denied its legitimate claim to nationality and citizenship in the process.

The question of Chakmas' identity is a case in point. Historically denied an opportunity to determine their own identity, and physically dissociated from the very source of citizenship—the present Bangladeshi state—they continue to strive for a political identity. Interestingly enough, the political identity of the Chakma refugees as East Pakistanis got transformed into a new identity as stateless people while in exile in India with the emergence of Bangladesh in 1971. Over the years, their exilic status has denied them access to civil and political rights in India even though they have legitimate claim to Indian citizenship as per the existing laws and norms.

The Chakmas currently residing in Arunachal are variously viewed as 'refugees', 'environmental/developmental refugees', 'foreigners', 'aliens', 'stateless peoples', and so on (Arens in Bhaumik et al. 1997: 49; Bose 1997: 49; Perera 1999: 20). While the efficacy of these categories can be a subject of debate, Chakmas' self-perceptions do not at all correspond to such categories frequently employed to label them. With rare exception, almost all the Chakma interviewees viewed themselves as 'Indians' and/or 'legal migrants'.

Self-identification as 'Indians' could be seen to be much more pronounced amongst those who were born and brought up in India than those who originally fled the CHT and came over to India as refugees. Interestingly, the Chakmas attribute different sets of reasons for this widely prevalent perception amongst them as Indians. While those who originally came in as asylum seekers in the mid-1960s—with several of them already dead and the rest slowly and gradually inching towards the fag end of their lives—continue to emphasise the legality of their entry into India and their unusually long stay in India as the basis for their self-identification as Indians; the younger generation tend to explain their *Indianness* in terms of their birth in India by seeking recourse to constitutional provisions. Emphasising the legality of their entry in India and the subsequent treatment meted out to them by the Indian government, Gyan Jyoti Chakma, who came in 1964, thus recalled:

At the time of seeking asylum in India, we were issued valid migration certificates by the concerned authorities making our stay legal. Moreover, since the central government brought us in here and resettled us by giving us land, we have traditionally looked upon it as our permanent settlement in India, legitimising our identity as Indians. As long as we lived under the NEFA

administration, we did not face any problem, as we were provided with all kinds of facilities. We had even got employment in central government services except voting rights. But ever since NEFA was made one of the provincial states [1987], the state government started withdrawing all the facilities extended to us one after another. Ironically, it is only now that the local people have started calling us refugees. Why were they silent all these years? No matter, what we are called, we are Indians.

In a much similar vein, an overwhelming majority of the interviewees amongst the older generation of Chakmas emphasise the legality of their entry and longevity of their stay in India. Only marginally did some of them concede that they could perhaps be called refugees. Even those few who do view themselves as refugees do so with a distinct sense of reluctance. As is evident from the response of Devika Talukdar who succinctly observed:

Nobody can ever appreciate what we are going through! We have been here for so long and are still called refugees. It really hurts us. With us the older people, it is still okay since we came from East Pakistan, but why call our children refugees who were born and brought up here in India itself? What is their mistake? Or, for that matter, what mistake have we committed? It was the then prevailing situation, which forced us out of our home leaving us with no option, but to cross the border.

Much more emphatic in their self-perceptions as Indians, the younger generation among the Chakmas—born and brought up in India—not only reject the label of ‘refugee’ frequently employed and used against them, but also assiduously assert their claim to citizenship as a birth right. As is evident from the reaction of Maya Shanti Chakma, one of the Chakma youths, who perceptively remarked:

It really hurts to be called refugees, as we are Indians by birth. We may not be officially recognised as Indian citizens, but we have always looked upon ourselves as Indians. It is indeed disgusting to be called refugees even after living here for so long. Since we were born here, why should we be called refugees? As per the Indian constitution, anybody who has lived in India for more than five years is entitled to become an Indian citizen. It clearly says that anybody who is born in India becomes Indian by birth.

Will anybody tell us how much more suffering and humiliation do we need to undergo before we are made Indian citizens? We do not want to go

to Bangladesh, for we would continue to be called refugees there as well, as we were born here in India. Moreover, we never feel attached to Bangladesh, as we have grown up here.

Distinguishing themselves from their parents who, according to them, might still be called refugees, Sushil Kumar Chakma, another Chakma youth, reiterated his identity as 'Indian' by observing:

Since we were born here in India, we are Indians. Our parents may not be Indians as they came from East Pakistan. We want to coexist peacefully with the locals, but it is they who never intermingle with us and keep avoiding us. They call us refugees and want us to go back to Bangladesh. But I don't consider myself a refugee as I was born here in India. I am very much an Indian even if not a legal citizen of India. We have been trying so hard to get Indian citizenship, but have not been able to acquire it till now. Our parents may leave for the heavenly abode any time, as they have grown old. Where would we go then? Nobody knows us in Bangladesh, nor do we know of anybody there. We would thus continue to live here and die here too.

Ironically, no matter, whichever way the Chakmas choose to define their political identity, the existing empirical reality does not confirm to their self-perceptions. But for a meagre number of 1497 Chakmas who were recently granted citizenship in 2004 by the Election Commission of India, the legal status of the rest of the Chakma population in Arunachal continues to remain one of non-citizens. Such modes of defining *Indianness* then perhaps need to be seen in terms of cultural linkages that they have historically shared with India rather than in terms of a purely legal-juridical framework.

However, the Chakmas are acutely conscious of their political identity as stateless people, as almost every single interviewee unfailingly acknowledged and reiterated the fact of their statelessness in spite of their self-perceptions as Indians. As is evident from the above perceptions, being an Indian national for them does not necessarily have to be coterminous with being an Indian citizen at the same time. However, this is not unique to the Chakma issue in Arunachal, as the prevalence of such trends have long been recognised in the context of contest-ridden history of the making of postcolonial states in South Asia. Furthermore, Chakmas' frequent reference to their unquestionable 'allegiance' to and 'patriotism' for the

Indian nation, as we shall see in the following sections, during the course of the Indian independence movement suggests that they have historically identified themselves with what has today become the modern Indian nation-state than either with Pakistan or what subsequently became the People's Republic of Bangladesh in 1971.

TRAVAILS OF CHAKMAS: ESCAPE FROM VIOLENCE

Much of the existing literature on the flight of the Chakmas from the CHT in East Pakistan to India in 1964 invariably privilege the theory of development-induced-displacement while explaining their trans-border movement into India as asylum seekers. The fact that the construction of the Kaptai hydel power project in CHT was the most immediate precipitating factor behind their flight, dramatically altering the ratio of man-land relationship, has only too well been documented in both scholarly writing and popular accounts on the subject (Amnesty International 1986; Anti-Slavery Society 1984; Arens 1997; Bhikku 1995: 4; Islam 1981: 1216). What remains undocumented in all such accounts, however, is the much less known fact of the Chakmas' continued subjection to political and religious persecution since the partition of the sub-continent in 1947 first at the hands of the erstwhile Pakistani regime, and later at the hands of the successive Bangladeshi regimes. It is this aspect of the social history of their flight from their homeland, which has invariably escaped the attention of most of the scholars working on the subject. Consequently, several scholars have too often labelled the Chakmas who fled the CHT and took refuge in India in 1964 as 'environmental refugees' or 'developmental refugees' (Bose 1997: 49; Chaudhury 2000; Hazarika 2009; Perera 1999: 20). Such dominant representations invariably downplay or underplay the political dimension of Chakmas' flight from East Pakistan. This in turn has led to a gap in the existing understanding of both the flight and the subsequent plight of these people who presently find themselves caught in a state of statelessness in the northeast Indian state of Arunachal Pradesh. The following section thus seeks to fill this gap by reconstructing peoples' history as against the already recorded history of the Chakmas' flight from East Pakistan.

VICTIMS OF PARTITION: 'WE HAVE BECOME FORGOTTEN PEOPLE'

The inclusion of CHT in East Bengal in the Radcliffe Award came as a rude shock to the Chakmas as well as several Congress leaders. Despite the CHT being an overwhelmingly non-Muslim dominant area with 98 per cent of its population as Buddhists and Hindus, and despite persistent representations made by the Congress leadership on behalf of the Chakmas to the then Viceroy, Mountbatten, and the Chairman of the Boundary Commission, Sir Cyril Radcliffe; the CHT, much to the disappointment and discomfiture of the Chakmas, eventually formed part of the newly created East Pakistan.

As a direct consequence of partition and their simultaneous inclusion in East Pakistan, the Chakmas got subjected to political torture and religious abuse at the hands of the Pakistani regime. As a first step, the Pakistani regime lifted the 'special status' hitherto enjoyed by the Chakmas in the form of 'Totally Excluded Area' in 1964 and started settling the Muslims from the plains into the CHT with a view to transforming the demographic complexion of the area from one of being an overwhelmingly non-Muslim dominant region to that of a Muslim majority area (Chakma and Chakma 1994: 21–23; Arens 1997: 1811–19; Behera 1996: 985–1005). Such changes set in motion a process of 'progressive disempowerment of the indigenous peoples of the CHT from their control over the land and resources, and pauperization of their society' (Chakma 1995c). The ensuing conflict between the majority indigenous ethnic Buddhist Chakma people of the CHT and the settler mainstream Bengali population over the control of resources continues to persist till date. It has often assumed violent forms on several occasions resulting in heavy casualties of the indigenous peoples. What exacerbates the situation further for the native Chakmas, as already discussed at length in Chapter 2, is the element of direct and not-so-discrete support and patronage that the settler Bengali community has consistently received from successive governments right from the stage of planning their movement into the CHT till the time of their settlement in the area and thereafter.

The sudden withdrawal of the 'Special Area' status hitherto enjoyed by the indigenous peoples of the CHT coupled with the submergence of their arable land after the construction of the Kaptai hydel power project

has had far-reaching implications on the lives of these people. All this combined together to trigger the first massive exodus of the Chakmas from their homeland to India. Ironically, even though the extent and magnitude of displacement caused by this 'developmental' endeavour clearly makes it one of the earliest examples of mass displacement in South Asia, precious little is known about the varied dimensions of the problem. It is this aspect of Chakmas' political history of their trans-border movement, which has invariably escaped the attention of scholars dealing with the Chakma issue in Arunachal. Most of the existing accounts on the social and political background of these people fail to take note of these developments thus reducing them to the category of 'environmental refugees'. We argue instead that most of these Chakmas presently living in Arunachal as stateless peoples are not only victims of partition and environmental changes brought about by the construction of Kaptai hydel power project, but also victims of political and religious persecution at the hands of the then Pakistani regime.

With a view to unravelling the story of Chakma's dislocation and displacement from the CHT, this section relies primarily on Chakmas' own narratives of their trials and tribulations at the hands of the Pakistani regime. Almost all the Chakma interviewees who originally came from East Pakistan to India in 1964 and are presently living in Arunachal recounted their experiences of religious persecution at the hands of the then Pakistani regime. Dwelling upon the evolution of different phases of their lives, Sumoti Ranjan Talukdar narrated a rather vivid account:

I can now boldly say that I am also one of the freedom fighters. When Gandhiji visited CHT in 1947, I was a national volunteer of Indian National Congress. At that time I was a student of Class IX. Gandhiji and other leaders like Prafulla Ghose and J.P. [Jaiprakash Narayan] assured us that the CHT would be included in India in case it was partitioned. On 14 August 1947 we convened a meeting at Anand Vihar regarding the hoisting of the Indian national flag, which we actually did on 15th August 1947, assuming that we have been included in India. Within a week however, the Pakistani forces came to Rangamati and captured our area by declaring us to be Pakistani nationals instead. We did express our displeasure over this to Nehru and other leaders during several visits to Delhi. Suspecting our loyalty, the newly formed East Pakistan government started torturing us in order to drive us away from our land. We were forewarned that if we wished to stay on in CHT, we would have to embrace Islam or else there was no place for us there. Being Buddhists

for generations together, how could we do that? On refusing to give up our religion, they forcibly started abducting and physically abusing our women and converted several of them into Islam. We were frankly told that they were not interested in us, but our land. Our problems got further aggravated with the completion of Karnafuli multipurpose power-project, which inundated a massive chunk of our arable land leaving us with no option, but to seek refuge in India. Even after more than fifty years of the partition, we belong to nowhere. We have become forgotten people.

Chakmas' reconstruction of their past as reproduced in the above narrative is noteworthy, among others, for three important reasons: one, for bringing into sharp focus the conflicting images of Chakmas—their self-identity as Indian and the other-determined identity as Pakistani; two, for bringing to the fore the political and religious dimensions of their flight from East Pakistan to India; and three, for underscoring their continuing state of statelessness ever since they sought refuge in India.

Having been granted refuge by the Indian government, the news of the sudden demise of Nehru caused deep apprehensions in the minds of the Chakmas as they were not sure what the future held in store for them; the man who had assured them a safe haven in India was now no more. Already guilty of the fact that he could not push through his own views in impressing upon the colonial rulers to include CHT into the Indian union, Nehru had ostensibly extended the Chakmas a warm welcome when they had sought refuge in 1964.

Recalling those moments of despair and desperation in the wake of Nehru's death, Shanti Kumar Karbari, like several others, recollected:

On our way to Monasara camp in North Cachar district, we came to learn that our leader Nehru had passed away. The news of his sudden death came as a rude shock to us and we suddenly found ourselves in the midst of uncertainty and hopelessness once again, as the man who had allowed us entry into India and had assured us of all possible help was no longer amidst us. His sudden death once again cast a shadow of darkness on our lives. Our movement was stopped that day and we could not help feeling like orphans without him. However, the spirit of Nehru's policy towards us was carried on even after his death. On reaching Monasara, we were put up in camps for 22 days and were given some cash doles and free ration. Therefrom, we were taken to Ledo in Badarpur district of Assam where we stayed for nearly eight months in camps. And then, we were finally told that we would be taken to Miao in NEFA of which

we had no idea whatsoever. We were also assured that on reaching NEFA, we would be given land and treated as Indians. We did, however, get land but are yet to be recognised as Indians legally. As long as NEFA was under the central government, we were provided with all sorts of facilities, all of which started disappearing once Arunachal Pradesh became a state.

COMMON ETHNO-RELIGIOUS AFFINITIES: A BOON OR A BANE?

As speculated by several commentators, common ethnic and religious affinities between the Chakmas and certain sections of the indigenous peoples of Arunachal like the Khamptis and Singphos were seen as important considerations in settling the Chakmas in the Khampti and Singpho inhabited areas of the state. Much like the Chakmas, the Khamptis and the Singphos who are primarily concentrated in the Lohit District of Arunachal Pradesh also practice Buddhism and trace their descent to the Mongoloid race. The underlying assumption behind the settlement of the Chakmas in the Khampti and Singpho inhabited areas, as is argued by some, rested on the belief that it would eventually lead to a smoother integration of these people into the indigenous social fabric of Arunachal Pradesh (Bhikku 1995: 3–5). However, despite staying in close proximity with the Khamptis and Singphos for more than four decades, such considerations of shared ethno-religious affinities are met with mixed reactions from the Chakmas. While there are some who believe that their common religion and shared ethnicity have helped them considerably in their socio-cultural interaction with the local people, there are others who strongly contest such beliefs. As is evident from the response of Sushant Kumar Chakma, Assistant General Secretary, Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP) and President, Arunachal Pradesh Chakma Students Union (APCSU) who, while explaining the reasons behind their settlement in Arunachal Pradesh, observed:

We never came to Arunachal on our own. Rather, we were rehabilitated there by the central government. The central government resettled us in Arunachal on account of our ethno-religious affinities with the local people and by taking into account the climatic conditions of the area, which suited us as we were accustomed to living in hilly areas. Like the locals, we also belong to the Mongoloid stock. Secondly, common religion between us and the Singphos and Khamptis was yet another important consideration in resettling us in NEFA. Such commonalities did help us a great deal in our day-to-day

social-economic-cultural interaction with the locals, so much so that we even ended up having matrimonial alliances with each other. In the beginning, the question of conflict never arose as we were settled with the prior consent of the locals. It was only after Arunachal Pradesh became a full-fledged state of the Indian Union in 1987 that the locals started resenting our presence. Earlier, we used to get all facilities, which were enjoyed by the locals except voting rights. But, after 1987, we have been deindianised as we are now called refugees and all facilities have been withdrawn.

Sumoti Ranjan Talukdar of Jyotsnapur village in Changlang district made a similar observation:

When we first came here the local people like the Khamptis, Singphos and even Tangshas were very nice to us. We even had matrimonial relations with them. In schools also, our children shared intimate relations with the children of the locals. They are also Buddhists like us. In all religious functions we used to participate and rejoice with them. But owing to politicisation of the whole issue now, such interactions have virtually become impossible. The locals have also stopped engaging our people as wage-labourers, which was earlier a well-established practice.

In sharp contrast to the aforementioned, there are others, particularly those who were settled in non-Buddhist inhabited areas of Papum Pare district, who believe that such bonds of common religion and racial affinity have not benefited them at all given the absence of Buddhists amongst the local indigenous peoples in their areas of settlement. As is evident from the response of Lalit Chakma, the *Gaon Burrah* (village head) of Kokila village in the Papum Pare district:

It might have helped the Chakmas in Changlang District, as the Khamptis and Singphos are also Buddhists. But in this area, there are no Buddhists amongst the local people except us. We have only one temple here in Kokila. The Monpas of Arunachal are also Buddhists, but they do not reside in this area. Had the locals of this area been Buddhists, we would perhaps have been spared the humiliation of being treated as refugees and frequent subjection to atrocities at the hands of the AAPSU.

Over the same issue of ethno-religious affinities, however, the responses of the Chakmas of Chowkham village in the Lohit district, a predominantly Buddhist inhabited area, were overwhelmingly positive. While dwelling upon the common bond between them and the Khamptis and

Singphos in terms of religion, Nutan Kumar Chakma, the *Gaon Burrah* of Chowkham, village No. 1, like all other interviewees of the same village, observed:

Owing to common religion between the locals and us, we have been getting all help and support from the Khaptis and Singphos who are also Buddhists. There is no problem in our area. There has been a long tradition of social interaction between the locals and us continuing into the present times. They visit our village on the occasion of Buddha Purnima and actively participate in the festival. We also reciprocate in the same manner. Such commonalities in terms of religion and ethnicity have led to greater understanding and mutual respect for each other in our area. We are very happy to be settled in this area.

What emerges quite clearly from the foregoing discussion is that the Chakmas clearly stand divided in their perceptions over the issue of ethno-religious affinities across time and space. While the Chakmas of Chowkham village in Lohit district view the common element of ethno-religious affinity with the locals positively and feel quite secure in the midst of the Buddhist Khaptis and Singphos, the Chakmas living in the non-Buddhist inhabited area of Kokila in Papum Pare district trace the root of all their problems to the absence of Buddhists among the local inhabitants in their area. However, the Chakmas settled in Changlang district believe that such commonalities ceased to be of much help once the anti-Chakma sentiments flared up in the early 1990s.

MAJOR CONCERNS

Much against the dominant trend in the field of refugee studies where the concerns of such people are invariably represented by external agencies with little or no regard for their self-perceptions, the focus here in this section is on unravelling and articulating those issues which are perceived to be of utmost importance by the Chakmas themselves. In an attempt to understand and interpret as to how they view and prioritise their concerns and claims, Chakmas' response to various issues ranging from the question of citizenship and their yearning for permanent settlement in Arunachal Pradesh with Arunachal Pradesh Scheduled Tribe (APST) status to the question of their human rights were elicited both from those living in different Chakma settlement areas of the state and their leaders based

in New Delhi. At present, Chakmas are primarily settled in Chowkham in Lohit district; Miao, Bordumsa and Diyun in Changlang district; and Balijan and Kokila in Papum Pare district of Arunachal Pradesh.

A Question of Citizenship and Land Rights: 'We Do Not Want to Become Landless Citizens'

Chakmas are far from unanimous in according centrality to the question of citizenship rights. Differences exist both within the rank and file of the CCRCAP on the one hand and between the CCRCAP and the Chakma refugees living in different settlement areas of Arunachal, on the other. Operating from a small room-like structure within the premises of what passes for a Buddhist temple located at Ashok Buddha Vihara, New Delhi, the CCRCAP is the most important pressure group of the Chakmas responsible for articulating the interests of the refugee population as well as representing their concerns to various legal bodies in India like the Supreme Court and the NHRC. Headed by Subimal Chakma, a law graduate from Delhi University, the CCRCAP has, over the years, gained the reputation of being the most effective representative body of the beleaguered Chakma refugees. In addition to working as a conduit between the various constitutional bodies and the larger community of Chakma refugees within India, it approaches different independent and autonomous human rights bodies and NGOs both within and outside India with a view to mobilising support in their favour.

Difference in perceptions at the organisational level, for example, can be seen from the conflicting views of two of its key office bearers. While Ajay Chakma, the Vice-President of CCRCAP believes that the conferment of citizenship rights to the Chakmas is the most important issue and that all other rights will follow later; Sushant Kumar Chakma, the Assistant General Secretary of CCRCAP and President of APCSU holds that mere conferment of citizenship status without simultaneous statutory recognition of Chakmas as APST may not mean much as the Chakmas will be deprived of their claim to land rights in Arunachal Pradesh. Ajay Chakma, the Vice-President of CCRCAP, who accords centrality to the issue of citizenship observed:

The primary issue for us at the moment is citizenship and the question of grant of Scheduled Tribe status to the Chakmas will come later. If we continue to face

similar kinds of discrimination despite being citizens of India then certainly we will have to ask for other things also. Presently, our concern is only citizenship and we cannot even imagine the implications of being Scheduled Tribes unless we become citizens. If after becoming citizens we continue to be discriminated against Indian citizens then we would definitely ask for more. Good treatment either by the central government or the state government at the moment is not required. All that we need very badly at the moment is Indian citizenship.

In sharp contrast, Sushant Chakma, the Assistant General Secretary of the CCRCAP believes that the plight of the Chakmas will remain unchanged in the absence of grant of APST status and the accompanying land rights without which Chakmas will not be able to live in Arunachal. While acknowledging the importance of citizenship rights, he stresses the urgency of simultaneous recognition of the Chakmas as APST rather poignantly:

Citizenship is very important for us, but we do not want to become landless citizens. There are hundreds and thousands of street boys in India who are also citizens. We never see any improvement in their lives. They continue to suffer. Mere grant of citizenship without land rights will not help us in any way. One cannot survive without proper home for which one needs land. Even after death, one needs land for burial or cremation. So, how can one live without land? Frankly speaking, it is the question of land rights, which is the most important issue for us as we are predominantly an agrarian society. Without land rights in Arunachal, what would our people do and where would they go? Arunachal Pradesh has a very low density of population. If we cannot get land there, where else can we? By merely becoming Indian citizens, we cannot live in the sky; we would need land too.

Despite such differences of perceptions at the organisational level, the popular response of the Chakmas living in various settlement areas of Arunachal Pradesh clearly establishes the centrality of the land issue in their struggle for survival. With the exception of a very marginal number of interviewees settled in Dharampur village in Changlang district, almost all the interviewees accorded primacy to land rights over the question of citizenship. Amongst those few who expressed contentment with the grant of citizenship alone, Upendra Lal Chakma, the *Gaon Burrah* (village head) of Dharampur village observed:

CCRCAP is demanding citizenship, permanent residentship and APST status together. I personally believe that we should not be very demanding and should go about it rather slowly. The most important thing for us right now

is citizenship. Once we are given citizenship, other things like APST status etc. will automatically follow. In due course of time, we will get everything. But, if we want everything at one go, it may not be possible for the Government of Arunachal Pradesh to concede. Moreover, the other non-local Indian citizens may also start raising their voice for the grant of APST status. So, I think the demand for the grant of APST status at this juncture is untimely and demanding a bit too much.

A similar response was recorded from Sumangal Chakma of the same village who, while accepting the views of the *Gaon Burrah* quoted above, remarked rather graphically:

It is right that other things will only follow later on and what we need right now is citizenship. For example, one needs a lot of food to survive a lifetime, but how can one expect to get everything that one needs at once? It is not possible for anybody to give full food stock at one time to anybody. One should aspire for only as much as one needs immediately.

With the exception of these observations and a few other similar responses, the popular perception in all other Chakma settlement areas brings out the centrality of the issue of land rights. In the absence of land rights, the Chakmas fear, citizenship will not only not help them much, but that they might even get 'displaced' or 'uprooted' from the land they have worked so hard on to make it cultivable and livable. While expressing apprehensions on the prospect of being displaced from Arunachal in the event of not getting APST status along with citizenship, Dina Lal Chakma remarked:

Citizenship alone will not do. We also need to be recognised as APST without which we cannot have access to land, school, employment and all other facilities as enjoyed by the locals. What are we going to do with citizenship alone if we do not have land rights in Arunachal? We do not want land anywhere else. We have been living here for more than 40 years and we would not like to be displaced once again. We must not be deprived of and alienated from the land that was given to us at the time of our settlement here in Arunachal.

A similar response from Anand Vikash Chakma of Bijoypur village No. 2 in Changlang district is worth citing, for it aptly highlights the implications of the non-grant of APST status while being conferred Indian citizenship:

We do not want the kind of citizenship that is being offered by the government. Citizenship without the grant of APST status will not mean anything to us,

as we will be ousted from the land that we are presently in control of. We would not like to become labour citizens. We want to be treated at par with the locals. We must also be given same amount of freedom and all other facilities that the locals are enjoying. Only then can we hope to live peacefully in Arunachal Pradesh.

Elaborating upon the involuntary nature of their migration to India in 1964 and their subsequent settlement in Arunachal by the central government in what was then NEFA, and while explaining the root of the present crisis in terms of the land question, Sumoti Ranjan Talukdar, the *Gaon Burrah* of Jyotsnapur village in Changlang district provided a rather moving account:

Persistent religious persecution at the hands of the then Pakistani regime coupled with the construction of Kaptai hydel power project left us with no option, but to cross the border and take shelter in India. Rejected in our own homeland on religious grounds and displaced from our land due to submergence of all our arable land by the construction of the Kaptai project, we were given a warm welcome in India by Nehru. However, we never volunteered ourselves to be settled in NEFA. It was the then central government, which resettled us in NEFA with full assurances that it was going to be a permanent settlement. We were also assured of all kinds of facilities. Only on getting such assurances did we agree to settle down in NEFA. At that time, I was the leader of the Chakmas. I had also spoken to the DFO [District Forest Officer] who had assured us that our settlement in NEFA was going to be a permanent arrangement and that we will also be provided with all help and facilities in the initial period. We did get all help from the government and were also given land, which convinced us of the permanence of our settlement in NEFA. Everything was going on smoothly until NEFA became a state in 1987, and the local people started questioning our settlement by calling us refugees. The main issue, however, is that we are settled in plain and fertile land whereas most of the locals are still living on the hills. So, in order to grab our land they want to drive us away from our settlement areas. But, the question is, after living here for so long, where else can we go now? We do not want to be displaced once again.

The Chakmas' near total dependence on land, owing to the largely agrarian nature of their existence, is sharply brought out in the observation of Lalit Kumar Chakma:

We are a tribal people and have been living here for so long, and if we are now denied our right over the land we have worked so hard to make livable and

cultivable, how are we going to survive? We cannot even imagine our existence without land, as it is the lifeline for us. What are we going to do with citizenship without land rights in Arunachal? We are not like the other non-local Indian citizens who have come to Arunachal from different parts of India to serve in government jobs or do business and who also have their own homes to go back to. We were forced out of our homes for no fault of ours, and know of no other place where we can go back to. Moreover, we were never told that our settlement was a temporary arrangement. We worked so hard to make the place livable and now the locals want us to leave. Where else in the world can we head for? We have grown so old here and all our children who have been born and brought up here know of no second home. Why were we not told right in the beginning itself that it was only a temporary arrangement?

Emphasising the need for recognising the Chakmas in Arunachal as 'tribal' people, as has been the practice in other Northeast Indian states like Mizoram and Tripura, and while pointing out the inevitable contradiction ensuing in the event of non-grant of APST status to them, Devika Talukdar of Jyotsnapur village in Changlang district observed rather eloquently:

Mere grant of Indian citizenship will not recognise our tribal status. And in case we are not accorded APST status, what are we going to do with citizenship alone? Without APST, we will not have any claim over land in Arunachal and without land how can we survive? Moreover, we have been historically recognised as tribal people. It would be a travesty of justice that the same people are recognised as scheduled tribes in some parts of the country, while not in others. Is it not bizarre that two sons of the same parents are treated differently in different parts of the same country?

Such overwhelmingly unambiguous self-perceptions for the simultaneous grant of both citizenship and APST status can thus be explained at two levels: one, a widely prevalent sense of disenchantment with and detachment from Bangladesh, the land from where they originally came to India in 1964, and their consequent unwillingness to be repatriated; and two, a deep awareness among them of the special status of Arunachal Pradesh where living as Indian citizens without being recognised as APST will not only be of no help to them in the sense that they will not be able to lay any legitimate claim to land, but can also make them vulnerable vis-à-vis the state government which can willy-nilly ask them to vacate the land allocated to them at the time of their resettlement during 1964–69. In other words, their insistence to stay put in Arunachal with

APST status is not merely indicative of their acute awareness of the unique laws prevailing in the state without which they cannot hope to be treated as equals, but also underscores their determined refusal and unwillingness to experience yet another episode of displacement. Given the already dreadful history of economic and political persecution the Chakmas had to undergo back home in the CHT, any proposal of resettling them outside the state is thus aggressively contested by them for they have simply no courage to go through the scourge of yet another displacement. More importantly, an overwhelming majority of the interviewees expressed their unwillingness to be resettled outside the state, let alone be repatriated to Bangladesh, for they have clearly developed strong material and emotional bonds with the land in the more than four decades of their stay in Arunachal. As Sushant Kumar Chakma, the Assistant General Secretary of the CCRCAP, resolutely remarked:

Any attempt at resettling us outside the state of Arunachal Pradesh will be met with stiff opposition. It may even lead to bloodshed. We will not budge from Arunachal as we were born there. The question of quitting Arunachal simply does not arise. We have already had more than our share of victimisation. How long would we continue to be victimised like this? The CHT was given to Pakistan against our will in 1947. That is the main reason why the Chakmas irrespective of where they are living, whether in Bangladesh or India, continue to suffer. We are the unfortunate victims of partition of India. This was soon followed by the inundation of our fertile land owing to the construction of the Kaptai dam forcing some of us to seek refuge in India. Our leaders were all dreaming at that time. We will no longer suffer now. We will resist all attempts to relocate us to any other place at all costs.

A similar response from Shanti Kumar Karbari foregrounds the refusal of Chakmas to be identified with Bangladesh and their strong sense of attachment with the land in Arunachal Pradesh:

The question of going back to Bangladesh simply does not arise since we never came from there in the first place. When we fled our homes in CHT, it was under Pakistan, which is now Bangladesh—an equally oppressive regime. Moreover, Bangladesh is already over populated and is filling up the sparsely inhabited CHT with the Bengalis from the mainland resulting in alienation of the Chakmas from their land. So, why will it be interested in taking us back, particularly when it does not even recognise us as its citizens? It has taken back those Chakmas from Tripura who came to India in the 1980s as refugees. It is

just not interested in taking back any of us who came to India in the 1960s. If we were to go back, we would not have anything in common with them now. Even our language is not similar. So, how can we go back?

The land, which our ancestors once owned in CHT, is now under the control of outsider Bengalis. So, what is the guarantee that we will get back the same land? We will never get it back. Even if we are promised, we will never go back as we have now developed deep roots in Arunachal in the more than 40 years that we have spent here.

Despite such strong unwillingness of the Chakmas to be settled outside Arunachal, let alone be repatriated to Bangladesh, the state government recently claimed that the Chakmas are voluntarily leaving the state. Such claims are also corroborated with documentary evidence compiled by the state government. These documents consist of 'self-undertaking' certificates duly signed by those who have allegedly left, and are addressed to the Deputy Commissioners of the concerned districts in support of the voluntary nature of the movement; 'migration certificates' detailing the date of migration to India and Chakmas' refugee registration number; and 'acknowledgment certificates' issued by the *Gaon Burrahs* of the concerned villages as evidences of the returnee's residence and his willingness to emigrate.¹

While the compilation of such documents clearly establishes the state government's claim of Chakmas' emigration, it is however vehemently contested by the Chakmas themselves. The voluntariness of such movements is popularly contested on the ground that those who actually left were not only 'forced' into it by the government machinery, but were also 'allured' with money. Gyan Jyoti Chakma questions the voluntariness of Chakmas' emigration from the state by unravelling the politics behind it:

This is a policy of the state government to chase the Chakmas away from here. Those who have left were first paid money by the state officials and then forced to sign the papers. Since most of them were illiterates, they did not even know the implications of signing these papers, which were later on filled up by the state officials. In certain cases, even force was used and people were beaten into submission. All this is being done by the state government to create obstruction in the way of the Chakmas getting citizenship as recently ordered by the Supreme Court. The state government may show these papers to the central government and the Supreme Court to weaken our claim over citizenship by arguing that the Chakmas are leaving on their own volition. As a matter of fact, none of the Chakmas has left on his own.

In a similar vein, Sangram Chakma, another youth from Chowkham District, highlights the vulnerability of those who were made to leave the state:

Most of those who have left never actually belonged to this place. Mostly those who formed a part of the floating population—those who were originally settled in Tripura and Mizoram and were working here as wage labourers on the land of the locals—have left. They proved easy prey for the state-sponsored oust-Chakma campaign, as they were quite vulnerable owing to their landless status here in Arunachal Pradesh. Further, they were easily coaxed into leaving with monetary benefits by the agents of the state government. Only such people have left. Even among these people, no one has actually left for Bangladesh.

A Question of Chakmas' Human Rights: 'Where Do We Go from Here?'

The issue of the violation of Chakmas' human rights has been widely reported both in the media and by various non-governmental organisations.² The issue has also been a subject to adjudication in the Supreme Court. The case had arisen in response to a writ petition filed by the NHRC on behalf of the CCRCAP. The CCRCAP under the leadership of its President, Subimal Chakma had registered several complaints of violation of Chakmas' basic rights to life and property in 1994–95 with the NHRC. In keeping with its tradition of upholding the principle of *non-refoulement* in similar cases, the Supreme Court in its verdict of 9 January 1996 upheld Chakmas' right to life and liberty under Article 21 of the Indian Constitution by ordering the state government to protect the life and property of the Chakmas residing within its territory, which it argued, the state government was constitutionally bound to follow (*NHRC v. State of Arunachal Pradesh & Another* 1996). The Supreme Court further held that the Chakmas have legitimate claim over citizenship and that the state government is duty bound to forward all applications filed by the Chakmas in this respect to the central government for its consideration.

Be that as it may, what is crucial to note in this context is the fact that while all such accounts provide systematic documentation and details of violation of Chakmas' human rights at the hands of the state government and AAPSU, they invariably fail to explain the reasons for the same. Explanations do exist, but remain essentially mired in the

legal–constitutional framework with little or no effort to take into account the self-perceptions of those who have themselves been subject of such abuse(s). Therefore, precious little is found in such reports which could explain the underlying reasons behind such 'gross' and 'flagrant' abuse of Chakmas' human rights. Part of the reason for this lies in the general failure in all such accounts and reports to incorporate Chakmas' self-perceptions and explanations of the same. We, therefore, seek to fill this gap by unravelling Chakmas' own accounts of their sufferings and the reasons thereof, as seen by them against the backdrop of India's obligations both at the national and international levels.

In the more than 40 years of their existence without the protection of any national state, the Chakmas clearly see a close link between their statelessness and their increasing vulnerability to human rights abuse. As is evident from the response of Kishore Chakma of Bijoypur village No. 1 in Changlang district who observed:

The issue of survival has now become the most important concern for us. Since we do not belong to any country, nobody pays attention to our problems. Legally speaking, we may not be Indian citizens or citizens of Bangladesh, but we are also human beings. And as human beings, we must have certain rights, no matter, which part of the world we live in. We have been living without the protection of citizenship ever since we left our homes. Initially, we were Indians in undivided India and then after the partition we were told that we were Pakistanis and now we do not belong to anywhere. Rejected in our own home in Chittagong hill tracts we have now become unwanted people here. How long can we live like this without the protection of any government? Moreover, the Arunachalis are now agitating against our stay here and want us to quit Arunachal. But, where do we go from here?

Such a vivid account of Chakmas' statelessness and the failure of the Indian government to extend the protection of Indian citizenship to the Chakmas even after four decades of their legal stay in India is not only a violation of Indian municipal law, but of international law as well. In the context of its own municipal law, India has clearly failed to abide by some of the provisions of the Indian Citizenship Act of 1955 and the Citizenship Amendment Act, 1986 which legitimise Chakmas' claim for Indian citizenship. Section 5(1)(a) of the Indian Citizenship Act as amended by Act No. 51 of 1986, for example, states: '(a) persons of Indian origin who are ordinarily resident in India and have been resident for five

years immediately before making an application for registration shall be eligible to be registered as citizens of India.' Also, Sections 3(1) and 3(1)a state: 'Except as provided in sub-section (2), every person born in India, (a) on or after the 26th day of January, 1950 but before the commencement of the Citizenship Amendment Act, 1986, shall be a citizen of India by birth'.³

At the international level also, India has failed to fulfil its obligations with respect to the Chakmas' legitimate claim over Indian citizenship. For example, the Universal Declaration of Human Rights (UDHR) provides that 'everyone has a right to nationality'.⁴ India has acceded to two conventions, which create an obligation to abide by the declaration in this area.⁵ For example, the International Covenant on Civil and Political Rights (ICCPR) declares that 'every child has the right to acquire a nationality'.⁶ Further, Article 7(1) of the Convention on the Rights of the Child reads: 'The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and as far as possible, the right to know and be cared for by his or her parents'.⁷ It was adopted by UN General Assembly on 20 November 1989.

An overwhelming majority of the interviewees blamed the Indian government for its failure to extend the protections of Indian citizenship, which in turn has made them vulnerable to frequent attacks of all sorts at the hands of the state government and the AAPSU in the state. While holding the central government responsible for not conferring citizenship to the Chakmas which the central government alone is constitutionally empowered to do, Sushant Kumar Chakma, the Assistant General Secretary of CCRCAP and the President of APCSU observed:

Since the subject of citizenship forms part of the Union list as per the division of power between the centre and the states, it is the central government that is solely responsible for not granting citizenship to us. If the central government is genuinely interested in conferring citizenship to us, the Home Ministry of India can do so in no time.

In a perceptive remark made by Dilip Chakma, an active member of CCRCAP, we see a similar response:

The primary responsibility in not conferring citizenship to the Chakmas falls on the central government and only then on the state government.

The central government committed a big mistake by not conferring citizenship to us at the time of our rehabilitation in NEFA. This problem could have been resolved right then. Had we been citizens, AAPSU could never have destroyed our houses. We would have also not been facing any of the problems that we presently do.

The issue of Chakmas' increased vulnerability in the lack of protections offered by citizenship rights is eloquently brought out in the response of Nava Kumar Chakma, the *Gaon Burrah* of Chowkham village:

The central government showered all its love and affection on us when we took shelter in India. But, soon thereafter, it forgot all about us. The Indian government brought us here and left us in the lurch under the state government, which is hardly doing anything for us. Why is the central government now busy seeking local's consideration when it did not do so when it brought us in here?

We have no facilities available to us. Whatever facilities were extended to us in the form of ration cards, trading license, education, post office, etc. have all been withdrawn now by the state government. We are just being treated like animals, as we do not have access to even basic facilities like market, education and health. Moreover, the state government wants us to go out from here. But the question is where can we go from here? We cannot go to Bangladesh, as we are not Bangladeshis, nor do we want to go there.

Such perceptions clearly establish a close link between the failure of the Indian government in extending the protections of Indian citizenship to the Chakmas on the one hand, and their consequent statelessness and susceptibility to sufferings at the hands of the state government and AAPSU, on the other. A recent study in this context also draws a similar conclusion:

... their statelessness has made them more susceptible to oppression at the hands of the State government and the local populace. Had the Chakmas and Hajongs been granted Indian citizenship nearly 30 years ago as promised, they would have been more fully integrated into the social fabric of the State of Arunachal Pradesh and, released from the obligation to remain in allotment areas, would not have been vulnerable to the blockades, State-sponsored attacks, and mass evictions. (Limpert 1998: 45–56)

Even though India is not a signatory to either of the two principal international instruments, namely, the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless

Persons dealing with refugees and stateless peoples respectively, it is bound under international law to extend certain rights to such peoples within her borders by virtue of her commitment to several other international human rights conventions. India, for example, has acceded to several international human rights conventions including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC). By so acceding, India has clearly expressed her desire to abide by international humanitarian norms regarding the health, security, education and property of all persons living within her borders.

Chakmas' allegations of the violation of their human rights at the hands of the state government and AAPSU thus need to be viewed against the above background. While expressing his anguish and desperation over the widely reported withdrawal of ration cards by the state government and imposition of economic blockade by AAPSU, Maya Shanti Chakma remarked rather poignantly:

What can I say about our sufferings? I just want to ask one question—why is it happening to us? Why are we treated like animals? It could be true that we are refugees, but why should we be treated like this? No human can survive without food. He would need something to eat. The state government has taken away our ration cards. Further, economic blockade was also imposed by the AAPSU. We are not being able to sell our produce. The local trading community has been threatened by AAPSU not to buy anything from us. What do we do in such a situation? We can eat rice that we grow, but how can we eat mustard seeds that we produce? How can we survive like this? We cannot express our sufferings and humiliation that we constantly undergo. After all, we are also human beings.

The response quoted here is not only representative of the general perceptions among the Chakmas in the state, but also clearly brings out the failure of the Indian government in preventing discrimination unleashed against the Chakmas at the hands of both the state government and AAPSU. For example, under Article 26 of the ICCPR, India is committed to upholding the following principle:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any

discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁸

The reports of the death of several Chakmas in the wake of the malaria epidemic in 1994 at Chakma settlement villages of Dharampur and Bijoypur in Changlang district and the imposition of an economic blockade by AAPSU, preventing the delivery of medical supplies and rations during the same period, have also been reiterated both by the NHRC and the Supreme Court (*NHRC v. State of Arunachal Pradesh & Another* 1996: SSC: 750). The Supreme Court, for example, stated: 'The fact that the Chakmas were dying on account of the blockade for want of medicines is an established fact.' This can also be seen in the response of Sisir K. Dewan, the *Gaon Burrah* of Bijoypur village who, while expressing his own personal grief stated:

During the period when we were badly hit by a malaria epidemic, AAPSU had effected an economic blockade causing us acute hardships. We had absolutely no access to medical help whatsoever. On approaching the administration, it simply expressed its inability to help owing to the orders issued from the highest level. In all, some 300 people died due to lack of medicine and proper medical care. I myself lost one of my sons during this period. And all this because we lack the protection provided to citizens. How long can we survive like this?

Such violations of Chakmas' human rights are clearly indicative of not only the failure of the Indian government to provide basic health facilities to the Chakmas, but also India's failure to live up to its commitments both at the level of its own municipal law and international humanitarian law. At the national level, by failing to provide the Chakmas their basic right to life under Article 14 of the Indian Constitution, and at the international level, in spite of being a signatory to 1966 ICESCR, India failed in its legal commitment to provide the protection of Article 12, the relevant parts of which read thus:

1. The States parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standards of physical and mental health.
2. The steps to be taken by the states parties to the present Covenant

to achieve the full realization of this right shall include those necessary for... (c) The prevention, treatment and control of epidemic ... diseases. (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.⁹

The response of Shanti Kumar Karbari of Chowkham village with respect to Chakmas' subjection to various kinds of abuses suffered at the hands of the state government and AAPSU is worth citing for aptly highlighting the overall plight of the Chakmas in general, and the denial of one of their most basic human rights to education under international law in particular. He thus remarked:

Even after more than 40 years of our stay here in Arunachal, we still find ourselves in the midst of uncertainty. We have not been given any extra land to meet our increasing requirements. Our families have grown and fragmentation of land has also taken place on account of division within the families. Ration cards and schools have also been withdrawn. How are we going to survive like this? Who would now save our lives? We are harassed anywhere and anytime by the local people. Now it is for the Indian government to save our lives. Only the government knows what it is going to do for us. We are also human beings. We also need land. One needs land even after death. The local tribals are getting so much of facilities. They have free access to land. They get free ration from the government. We do not get anything. The locals do employ us occasionally to work on their land, but they kick us out as and when they wish to. They are free to do whatever they feel like. But, how will our lives be saved? How are our children going to get educated? I could not even send my children out for education. I feel very bad about it. What will happen to our children without education? What will a man be without education other than an animal?

The response of Shanti Kumar Karbari clearly establishes India's failure to ensure Chakmas' right to education at the hands of the state government which India is legally obliged to as per its commitment to some of the international human rights covenants. For example, upon ratification of the ICESCR, India clearly asserted that it recognised the right of everyone to education. Further, in order to realise this objective, it bound itself to the proposition that:

(a) ... primary education shall be compulsory and available free to all; (b) Secondary education in its different forms ... shall be made generally available and accessible to all by every appropriate means, and in particular by the

progressive introduction of free education... (c) the development of a system of schools at all levels shall be actively pursued...¹⁰

Furthermore, India has also committed itself to provide free education to all the children living within its territory under Article 28 of the CRC which reads: 'States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) make primary education compulsory and available free to all.'¹¹

Viewed against such a backdrop, Chakmas' subjection to human rights abuses suffered at the hands of both the state government and AAPSU clearly establishes the failure of the Indian government to provide protection to them which they are entitled to both under different provisions of Indian Municipal law and various other international humanitarian laws to which India is legally committed. What is also established in the preceding account is the fact that Chakmas' statelessness has not only made them vulnerable and susceptible to various kinds of abuse, but has also proved to be politically insignificant for the Indian government. The indigenous response to Chakmas' subjection to human rights violations at the hands of the state government, AAPSU and the local populace, however, will be dealt with in the next chapter.

THE WAY OUT: CHAKMAS' SELF-PRESCRIPTIONS

'Local integration', one of the three most preferred solutions offered by the UNHCR to help resolve problems of refugees and stateless peoples, clearly emerged as the most sought after remedy in the response of an overwhelming majority of the Chakmas. The other two solutions prescribed by the UNHCR—'voluntary repatriation' and 'Third country settlement'—were, however, strongly opposed by them. Chakmas' rejection of the latter and their preference for the former emanates from an all pervasive sense of rootedness in Arunachal Pradesh where they have been living since 1964. They are, thus, unwilling to be resettled elsewhere in India, let alone repatriated to Bangladesh. While those among the older generation express their unwillingness to be resettled outside the state of Arunachal Pradesh on grounds of their inordinately long stay in the state and a deep-seated fear that any such attempt at resettling them

elsewhere might eventually result in yet another displacement; the younger generation, born and brought up in Arunachal, do so on the basis of their legitimate claim to Indian citizenship and self-conscious identification with India in general and Arunachal in particular, which they view as their 'motherland'.

It is against this backdrop that the Chakmas perceive local integration to be the most lasting and permanent solution, which alone can take them out of their present state of statelessness. While most of the Chakmas are deeply conscious of the fact that Indian citizenship in itself will not facilitate their integration into the social fabric of the state and that they would simultaneously need land rights also without which they cannot survive in Arunachal, there is no unanimity among them over the precise form such local integration must assume. Most of the responses in this context point towards two possibilities: one, the need for the simultaneous grant of APST status with citizenship rights which, they believe, would lead to their fuller integration into the local indigenous society with equal rights; and two, in case the above is not feasible, the creation of an autonomous district council within Arunachal on the lines of the Chakma Autonomous District Council already in existence in the state of Mizoram. Crucially, however, in either of the preceding cases, Chakmas' prescriptions typify their unwillingness to leave Arunachal, and their strong desire to be settled permanently in the land where they presently live.

NOTES

1. These documents were prepared and issued by Tony Pertin, General Secretary, Administration, Arunachal Congress, Itanagar on 5 February 1998. The author is grateful to him for giving access to these documents.
2. Numerous reports of violation of Chakma human rights at the hands of both the state government and AAPSU appeared in the press during the period 1994–96. See in particular, Chakma (1993, 1994a); *Hindustan Times* (1994 and 1995); Nayar (1996); *Statesman* (1996); *Times of India* 1994b; *Tribune* 1994.
3. Indian Citizenship Act: Sections 5(1) (a), 3(1) and 3(1) (a). The original document or what is called the 'Bare Act' is available at [www.http://mha.nic.in/pdfs/ic_act55.pdf](http://mha.nic.in/pdfs/ic_act55.pdf)
4. UDHR, Article 15, General Assembly Resolution 217 A (III), 10 December 1948. Available at <http://www.un.org/en/documents/udhr>
5. While India acceded to the two 1966 International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights in 1979, it acceded to the 1989 Convention on the Rights of the Child which deals with refugee children and refugee family reunification in 1992. For details, see Chimni (2000: 462–93).

6. ICCPR: Article 24, G. A. Res. 2200 A (XXI), 16 December 1966. Available at <http://www2.ohchr.org/english/law/crc.htm>
7. CRC, Article 7(1), General Assembly Resolution on 44/25 of 20 November 1989. Available at <http://www2.ohchr.org/english/law/crc.htm>.
8. ICCPR: Article 26, G. A. Res. 2200 A (XXI), 16 December 1966.
9. ICESCR: Article 12, G. A. Res. 2200 A (XXI) of 16 December 1966. Available at <http://www2.ohchr.org/english/law/cesr.htm>
10. ICESCR: Article 13 (2), G. A. Res. 2200 A (XXI) of 16 December 1966.
11. CRC: Article 28.

Arunachalis' Self-perceptions: Assertion and Reconstruction of Identity and Ethnic Nationalism

Rarely ever is the self-perception of the actually refugee-hosting community taken into account either before or during the period of settlement of a refugee population. The need for seeking free, prior and informed consent can be more easily disregarded if the given host community itself happens to be located on the margins of society. Ironically, this is so not because of any overwhelming consensus on the urgency to attend to the more pressing problems of refugees, but because marginal people are less likely to pose any challenge to the 'prerogative' of the state in settling such uprooted people in their land. The existence of weak regional state capacities and a relatively demobilised civil society in such situations only work as additional incentives for the state in settling refugees in such regions. Persistence of such conditions also helps perpetuate the 'statist' logic of making 'rational' and 'judicious' use of sparsely populated spaces in the name of furthering 'national interest', while the native inhabitants of such regions are reduced to the curious categories of 'strange' and 'unknowable' peoples, who from such a perspective are seen to be somewhat off the map. The task of resettling refugees in such regions becomes even easier if these happen to be inhabited by the marginalised 'indigenous peoples', for they clearly lack the wherewithal to confront the power of the modern state, at least in the initial years of their 'assimilation' into the dominant nation-state.

In the context of the current Chakma issue in Arunachal Pradesh, what is rarely taken into account while discussing the problem is the perspective of those who have actually played host to the Chakmas for more than four

decades now. Neither the dominant security-centric discourse of the state, nor the popular and scholarly commentaries on the issue ever take into account the self-perceptions of the indigenous peoples.¹ Without such an account, a realistic appreciation of the real nature of the problem from the vantage points of the two principal parties in the ongoing conflict between them—the Chakma refugees and the indigenous peoples—does not appear feasible.

The failure to do so emanates from two somewhat unrelated reasons. The first has to do with the prevalence of a legalistic perspective which dominates most analyses. As a result, such issues invariably get entangled in unending legal debates and little attention, if any, is focused on the social-anthropological dimensions of the problem. This is not to suggest that legal dimensions of such a problem are insignificant. As a matter of fact, they do constitute the foundation on which the edifice of any humanitarian law is erected. However, in such obsessive engagement with legalities we often forget the fact that, no matter how good laws and policies may appear on paper, they are, in reality, only as good as they are effective in evoking compliance. As is well known, compliance comes easily and voluntarily only when the laws and policies are perceived by those whom they affect as fair and consistent with their own perceptions of the problem.

The other reason why the perspective of the actually hosting communities of Arunachal is not reflected in the existing accounts of the problem is the unwillingness of the Indian state to acknowledge the special status of Arunachal Pradesh and, even more crucially, its inhabitants as 'indigenous peoples', while trying to 'tackle' the problem. What further adds to the complexity of the problem is the fact that the indigenous Arunachalis, irrespective of the official position, strongly identify themselves with this category. They consciously reject the use of the official term 'tribe' to describe them, as they find it loaded with condescending derogatory overtones. A deep awareness of the political implications of the term 'indigenous' owing to the growing transnational mobilisation for securing the rights of such people across the world in the wake of the declaration of the year 1993 as the *International Year of the Indigenous Peoples* has further sharpened the divide between the official position and the indigenous perceptions of the problem.

Even though the term 'indigenous' was first used way back in 1957 in the deliberations of international agencies, it has gained wide currency

more recently because of an ever-growing awareness that indigenous peoples have been marginalised twice, first by 'Western and other forms of colonialism', and later by 'internal forms of majoritarian colonialism' (Minority Rights Group Urgent Issues Paper 1996: 1). Their struggles in different parts of the world have eventually resulted in the establishment of a whole regime of rights, which seeks to extend to them special rights and privileges in view of their unique experiences. For example, the ILO has engaged itself in various international standard-setting activities. These are also being developed in the UN Draft Declaration on the Rights of the Indigenous Peoples.² The rights conceded by such bodies range from general human rights to the more specific ones such as indigenous rights to land and resources, maintenance of traditional economic structures and ways of life, respect for indigenous laws and customs as well as collective right to autonomy and so on.

CONCEPTUALISING THE TERM 'INDIGENOUS'

There is no single, universally valid definition of the term 'indigenous'. In fact, there are three different definitions to be found in the texts of the United Nations (UN), the International Labour Organisation (ILO) and the World Bank, respectively. Perceived political stakes are so high in the United Nations that it has failed to define the term in any precise manner. Its practice has largely been guided by the working definition proposed by the UN Special Rapporteur, Martinez Cobo in the 1986 UN report *The Study of the Problem of Discrimination against Indigenous Populations*:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. (Martinez Cobo 1986: 379–80)

The problem with the preceding definition is that by requiring 'historical continuity with pre-invasion and pre-colonial societies that developed on

their territories', it takes a rather limited view of 'indigenous peoples'. It is also controversial because several governments in Asia, including that in India, use this requirement to deny the existence of indigenous peoples within their borders (Kingsbury 1988: 414–57).

In sharp contrast to the preceding, the ILO uses a more flexible historical criterion which has helped it considerably in extending the application of its treaties to all regions. For example, Article 1(1) of the 1989 ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries stipulates that the Convention applies to:

- (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions (ILO 1989).

The Convention has failed to satisfy those indigenous groups who strongly criticise it for focussing more on duties of states than rights of indigenous peoples, and for not referring to the right to self-determination at all. However, the Convention does provide that indigenous and tribal peoples 'shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands which they occupy or otherwise use' (ILO 1989). The 1993 *UN Draft Declaration on the Rights of Indigenous Peoples* went even further than Convention No. 169 by asserting:

Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that *States obtain their free and informed consent prior to the approval of any project affecting lands, territories and other resources*, particularly in connection with the development, utilisation or

exploitation of mineral, water or other resources. Pursuant to agreement with the indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact. (Emphasis added. UN Document 1993)

The definition offered by the World Bank surpasses the earlier two definitions, for it altogether dispenses with the criteria of historical continuity and colonialism. Instead, it takes a functional view of 'indigenous peoples' by defining them as 'groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged' (IWGIA 1991b: 19). The broad approach implied in the World Bank definition is seen to be applicable to much of Asia. This is evident from a look at the World Bank Operational Directive 4.20, which states:

The terms 'indigenous peoples', 'indigenous ethnic minorities', 'tribal groups', and 'scheduled tribes' describe social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process. For the purposes of this directive, 'indigenous peoples' is the term that will be used to refer to these groups.³ (Ibid.)

Another popular definition of the term is provided by The World Council of Indigenous Peoples (WCIP), a non-governmental organisation, which entails a strong subjective component.⁴ For example, it insists that the UN recognise the indigenous peoples as separate nations within a political state. It asserts that the right to decide as to who is and who is not an indigenous person should be left to the indigenous peoples themselves. It rejects definitions provided in some national legislation—'scheduled tribes' in India being a good example—because these are definitions which the indigenous peoples themselves do not accept.

Combining the definitions discussed here, it can be safely construed that the indigenous peoples are the descendants of the original inhabitants of a territory, who through invasion and/or conquest were overwhelmed by or subordinated to other peoples, because of which they occupy a non-dominant position in a society. They are culturally distinct from the non-indigenous populations, and irrespective of their legal status, strive to retain some or all of their own social, economic, cultural and political institutions.

Importantly, in all such definitions, marginalisation is seen as built into the very condition of being indigenous peoples. All over the world, they are losing the ability to maintain traditional ways of life, as their lands, other resources and cultures are increasingly threatened. In many cases these identities are even at risk of extinction. A growing sense of anxiety has in turn created among the indigenous peoples a sense of unity as well as solidarity, and shaped much of their struggles the world over. As Kingsbury (1998: 421) observes:

Groups and individuals participating in [international indigenous peoples'] movement have focussed on elements of commonality that have helped the movement to cohere: connection with land and territory, aspirations for autonomy and self-determination, renewed interest in distinct cultures and languages, the historical experience of incursions by other groups, continuing consequences of dispossession and subordination ... shared effects of modernity.

In India, it was only when the rights and privileges associated with the indigenous peoples got internationalised that the government began to critically examine and challenge the term (Xaxa 1999: 3589–95). The Indian government had, in fact, made no objection to the use of the term when it was deliberated upon in the ILO Convention in 1957 and was tied up with Covenant 107. This was so because at that time the issue of empowerment and rights of the indigenous peoples had not yet come to the centrestage of the indigenous discourse. The focus in 1957 was clearly on the need for integrating the indigenous peoples into the larger social and political system, which fitted perfectly well with India's integrationist or assimilationist framework. By the time of the 1989 Convention, the focus had clearly shifted from integration to one of rights and empowerment. This was a result of worldwide mobilisation of the international public opinion by the indigenous peoples. For example, under the 1989 ILO Convention No. 169, standards were set for consultation between governments and their indigenous peoples. Brought under the purview of such consultations were issues like the collective and individual rights of ownership of land as well as natural resources in the areas traditionally inhabited by these people. This shift at the international level thus led to a shift in India, where the government took no time in declaring that no such category existed within its territory (Ibid.: 3591).

However, India was not alone in taking such a stance. Fearing that this might involve long-term political implications, most Asian countries acted similarly. They felt that they would be left with no option, but to grant all the rights and privileges once they granted such recognition. Although there are variations, the core reaction remains the same in the case of all Asian governments. Opposition has been expressed most strongly by China, India, Bangladesh, Myanmar and Indonesia. Most of these states deny even the existence of indigenous peoples in their respective territories. They take recourse to the 'historical continuity' thesis, and put the onus on the indigenous peoples to prove that they are descendants of the original inhabitants, and that they have suffered from conquest or invasion from outside. For example, India has often argued that the concept cannot apply to her because it is impossible to identify the original inhabitants after centuries of migration, absorption and differentiation. Thus, in 1991 the Indian representative commented in the Working Group on Indigenous Populations that most of the tribes in India share ethnic, racial and linguistic characteristics with other people, and that 300–400 million people would qualify to be designated as 'indigenous' if the suggested criteria were to be applied (Kingsbury 1998: 435).

This argument is echoed in China when it is claimed that all of the nationalities in China have lived there for aeons (Kingsbury 1988: 433–36). The greatest fear in these countries is with regard to the right to political self-determination, which is widely acknowledged as one of the most fundamental human rights of indigenous peoples. These governments also do not wish to grant some other significant rights, the most important of which is the right to land and resources. The leaders of indigenous peoples across the world are one in holding that no other issue can be effectively addressed without resolving the land issue. Issues like cultural freedom from forced assimilation, political self-determination, protection against illegal encroachment, forced relocation or transmigration are all important in themselves, but the centrality of the land issue is unquestionable. Land for such people is not only an economic and territorial resource base; it is also sacred, for it is inseparably attached to their religious and spiritual lives. Wilmer shows an organic relationship between the indigenous peoples and their land by arguing:

No discussion of indigenous land rights can be concluded without mentioning the very different relationship between human beings and the natural world that characterizes the worldview of indigenous as contrasted with industrial societies... the land itself, as well as the responsibility connecting humans to it, has in general a more spiritual significance to indigenous cultures. Indigenous conceptions of stewardship have spiritual roots. Land is not a commodity, from the indigenous perspective. (Wilmer 1993: 112–18)

In sharp contrast to the positions held officially in these states, there are a large number of civil society groups in Asia whose representatives are actively participating in international efforts to get such peoples recognised as 'indigenous'. Following the patterns of mobilisation evolved in the Americas and Australasia, these groups have begun to participate in international institutions and gatherings of indigenous peoples. Also, transnational networks of 'indigenous peoples' have been formed in Asia.⁵ Growing assertion of such groups can be seen in the statement made in 1991 to the United Nations Working Group on Indigenous Populations, which was later reprinted as *Declaration of the Asian Delegation*:

First and foremost, we want to bring to your attention the denial of some Asian governments of the existence of indigenous peoples in our part of the world. This denial presents a significant obstacle to the participation of many indigenous peoples from our region in the Working Group's deliberations. The denial also seeks to withhold the benefits of the Declaration from the indigenous, tribal, and aboriginal peoples of Asia. We hereby urgently request that peoples who are denied the rights to govern themselves, and are called tribal, and/or aboriginal in our region, be recognised, for the purpose of this Declaration, and in accordance with ILO practice, as equivalent to indigenous peoples. (IWGIA 1991a: 40; also cited in Kingsbury 1998: 417)

It became evident during the fieldwork done for this study that there exists a strong identification with the term 'indigenous' among the Arunachalis, particularly so in the case of the articulate sections among them. They consciously reject the official category of 'Scheduled Tribes' or the more popularly and loosely used term 'tribals'. Easily identifiable in their lives are the key ingredients used in defining 'indigenous people': cultural distinctiveness, isolation from the mainstream, non-dominant position in the national society, an ever-growing propensity to retain their traditional structures of governance, and a strong sense of self-identification with the term 'indigenous'.

It is not that Arunachalis have been denied all the internationally conceded special rights and privileges to indigenous peoples. Arunachal enjoys a unique status within India in terms of the rights and privileges extended to its native people. These include rights over land and natural resources, maintenance of traditional economic and political structures and ways of life and respect for traditional laws and customs. What is more, enjoyment of all such rights has continued uninterruptedly till date even while India has clearly desisted from recognising the category of 'indigenous'. From the point of view of the Arunachalis, therefore, it is not so much a question of official recognition of these people as indigenous as it is of their rights over land.

Nonetheless, the fact that they are not recognised as indigenous peoples makes scholars ignore the indigenous dimension to the Chakma issue altogether. For example, the violation of some of the rights of the Arunachalis in the wake of the settlement of the Chakmas on their land has clearly remained unaddressed. This explains the dominant tendency to treat the Chakma issue as a refugee-centric problem, bypassing in the process, the genuine grievances of the indigenous peoples of the state.

These are the facts, which also make us use the term 'indigenous peoples' while referring to the Arunachalis. More importantly, the use of the term 'indigenous' is preferred over the term 'scheduled tribes' because it provides deep insights into the nature of the problem from the perspective of the Arunachalis, a perspective that is otherwise rarely captured (D.K. Singh 2003). In any case, the category of 'tribe' is being increasingly seen as an artificial construct, which came into existence during the British rule when it was used purely from the point of view of administrative convenience. The term got carried over into the post-independence era (Xaxa 1999: 3589–95). However, little effort was made to conceptualise it. As a result, it continues to be a vague term that also legitimises the derogatory stereotypes which so characteristically marked its origin. Much like the dominant trend during the colonial period, the construct 'tribal' has come to be identified in postcolonial India with a whole range of ethno-centric biases held against those whose social reality is sought to be defined. The grounds for such biases could be anything like isolation, racial characteristics, the use of 'tribal dialects', 'animism', 'primitiveness', economic activities, eating habits (non-vegetarian), dress ('naked or semi-naked'), nomadism, propensity to drink and to dance (Government of India 1952). As also observed by Devalle (1992: 32):

In India, the category 'tribe' has not developed as a conceptual category, independent from administrative practice, possibly because anthropology there has tended to be applied anthropology. Defining 'the tribes' is the task of government officials (Indian Constitution: Art. 342). The official selection of criteria to define the *Scheduled Tribes* is questionable for its lack of correspondence with reality and its ethnocentric bias.

Grounded in the framework of oral narratives, this chapter seeks to discuss the responses of the indigenous peoples to the Chakma issue in Arunachal Pradesh. In continuation of the approach followed in the previous chapter, here also, we merely wish to reconstruct a holistic picture of the problem from the vantage point of the natives—the indigenous peoples of the state. Our objective, in this sense, is quite limited, as we merely wish to highlight and interpret the nature of the problem as perceived by the indigenous peoples themselves. The basic argument of this chapter is informed by the assumption that perceptions, no matter how well or ill-informed these may be, do assume an overarching character, and play a dominant role in shaping the responses of a people to a particular problem. Indigenous responses to various issues ranging from Chakmas' claim to citizenship and their demand for the grant of Arunachal Pradesh Scheduled Tribe (APST) status to the human rights question and the indigenous right to self-determination, among others, were elicited with a view to highlighting peoples' understandings of the problem. Such an approach, it is hoped, might help in knowing how people in a given situation respond to their everyday lived experiences.

CONSTRUCTING THE 'SELF' AND THE 'OTHER'

Our fieldwork experience, both with the indigenous peoples and the Chakmas, witnessed a heightened sense of 'we—they' divide widely prevalent among them. They invariably took recourse to the 'we—they' dichotomy while referring to each other. Use of such dichotomous reference markers by them, however, does help in understanding the processes through which the 'self' and the 'other' get constructed and internalised. Since the indigenous perceptions of the 'self' and the 'other' constitute the basis of their overall understanding of the problem, it would be worthwhile to begin an analysis of the problem with this fundamental understanding as our starting point.

Indigenous peoples' self-perceptions rest on the assumptions that they are 'simple' and 'peace-loving', 'innocent' and 'ignorant', and 'under-developed' and 'exploited'. Construction of such self-image(s), as would become clear soon, is rooted in their perceptions of the 'other'. The fact that the indigenous peoples look upon themselves in this manner is significant not only for an understanding of their perceptions of the 'other', but also for their understanding of the various issues emanating from Chakmas' settlement in the state. This is, however, not to suggest that others' perception of the 'self' is not relevant. Far from it, and more often than not, it is the others' perceptions of the 'self' which perhaps matters much more. Nonetheless, since our primary objective here is to understand peoples' self-perceptions of the problem, it becomes imperative for us to prefer indigenous self-perceptions of the 'other' over the others' perceptions of the 'indigenous'.

In contrast to the indigenous self-perceptions as 'simple' and 'innocent', the indigenous Arunachalis popularly view the Chakmas as 'refugees'. What is crucial to note here is not whether the Chakmas technically qualify as refugees or not, but the fact that they are viewed as such by an overwhelming majority of the indigenous interviewees. Because the Chakmas are viewed as refugees, the indigenous responses to their settlement also correspondingly get shaped or coloured by such predetermined perceptions. What is even more important to note in this context is the broad meaning that is attributed by the indigenous Arunachalis across the board to the concept of a refugee, which, at least in essence, is not qualitatively very different from the standard definition used by the United Nations.

With few exceptions, almost all the interviewees viewed a refugee as someone who is physically outside the country of his origin thus lacking a 'permanent settlement' and who is given a 'temporary' settlement on humanitarian grounds in a different country. Amongst those few who do view the Chakmas otherwise, for example, as 'foreigners', the point of contention is not merely the fact that the Chakmas are not the original inhabitants of Arunachal Pradesh, but that the indigenous peoples had absolutely no say whatsoever in the decision to bring them in and allowing their resettlement on their lands. What piques the indigenous Arunachalis the most, thus, is the fact that their concerns were totally ignored while resettling the Chakmas in their region, reinforcing their apprehensions about the level of seriousness with which NEFA and its indigenous peoples were

treated by the then Indian government. The response of M.N. Singpho of Bordumsa in Changlang district is worth illustrating: 'They (Chakmas) are aliens, foreigners. They are not refugees because we have never given them refuge. The meaning of refugee is that someone had sought refuge and was given the same. And we — the Arunachalis — have never given them refuge.'

Such a response is noteworthy for two reasons. First, the manner in which it defines a refugee, which is in accordance with the standard definition of the term. For example, any person displaced from his roots owing to whatever reasons is required not only to seek refuge in the first place, but also be granted and recognised as such by the host country under relevant existing laws. Second, and more importantly, this perception challenges the underlying logic of the theory of 'eminent domain' which empowers the central government in India to appropriate private property in the name of public good without seeking prior consent of the local people. Such refusal to acknowledge the legitimacy of the states' intervention is not unique to the above interviewee, but is generally representative of the popular sentiments among the Arunachalis. Expressing his disgust over Chakmas' settlement in Arunachal and affirming his resolve that they should be taken out from the state, Khunsan Mossang thus remarked:

Central government has brought them in here and it is their responsibility to take them back to wherever they have come from. Why do they disturb us—the poor *Tangsha* people? We are already suffering and do not have anything for ourselves, and on the top of it, the government has put them in here. So, wherever they have come from, they will have to be taken back. We do not accept the central government's decision to settle them here and we will never accept it.

Even though the issue of a 'foreigner' or a 'alien' or a 'refugee' falls within the legitimate domain of the central government as per the constitutional division of powers between the union and the states in India,⁶ what is interesting to observe here is the fact that such technicalities matter little, if at all, in the popular worldview. Furthermore, this also brings into sharp focus the inherent conflict between the legal-constitutional framework and people's perceptions.

Chakmas are also popularly viewed as having a 'criminal' bent of mind. They are alleged as frequently indulging in varied kinds of crimes—both 'big' and 'small'. On being asked if the Chakmas have contributed in any way to the growth of the local society and economy, the indigenous peoples invariably responded in the negative. Incidents of crimes ranging from petty thefts such as cases of chicken theft to more serious offences such as killings of local people were narrated almost unequivocally by all the interviewees. A couple of murders of the locals allegedly committed by the Chakmas and as narrated by a fairly large number of interviewees are worth citing for its remarkable vividness and commonality in terms of narrative content. The following two incidents as narrated by an overwhelming number of the interviewees are being reproduced here:

Dumba Mossang⁷, a local Tangsha *Gaon Burrah* (village head) of Diyun circle, Changlang district was allegedly killed by Kali Chakma⁸ of Bijoypur village of the same district. Kali Chakma had apparently hired a cow from Dumba Mossang for a few days. As few days passed by, Dumba Mossang started worrying, as Kali Chakma never turned up with the cow as promised. In the meanwhile three months had lapsed when Kali Chakma suddenly appeared to inform Mossang that the cow was not traceable and that he would have to accompany him in searching the cow. Dumba Mossang had little choice, but to agree to his call and both of them made frantic efforts to locate the cow. To his disappointment, the cow was never found and the whole exercise of locating the cow made Mossang very tired. Taking advantage of Mossang's tiredness, Kali Chakma took out a knife and cut him into pieces.

The second incident as narrated to the researcher is being reproduced as follows:

A cow belonging to Khumtoi Mossang, a local Tangsha man, was stolen. He suspected that it was stolen by some Chakma villager. Khumtoi Mossang, alongwith a Nepali boy, who was married to a local girl and settled in the same village, went out searching for his cow. After much effort, they could identify and locate the cow, which was tied to the trunk of a tree in the nearby forest. Khumtoi was very happy to have recovered and rescued his cow. As soon as they started moving towards their village with the cow, they were attacked from behind with sharp local made *Dao* (dagger) by a Chakma youth who was secretly following them. The Nepali boy died there and then. Khumtoi was badly injured and became unconscious. The Chakma youth took them both to be dead and while he was putting the dead body of the Nepali boy in a sack to throw it in the nearby river, Khumtoi gained consciousness and sneaked

away into the nearby Chakma village No. 2. On reaching the village, Khumtoi went to the house of Hira Lal Chakma, the *Gaon Burrah* (village head) and sought his help by narrating a false story to him. Khumtoi lied to him that he was attacked by a Nepali boy and requested the *Gaon Burrah* to take him to his village in Borkhet. The *Gaon Burrah* heeded to his request and Khumtoi reached back safely and is reportedly alive today.

Such narratives may or may not be real or factually correct.⁹ Nevertheless, they do assume critical importance as they permeate into the collective consciousness of the people, which at a later stage, forms the basis of popular memory. What I wish to argue here is not merely the fact that such memories are intermittently transmitted from one generation to another, but also that such memories when politically activated, could play a critical role.¹⁰ As was evident in the course of the fieldwork, most of the interviewees cited the 'criminal' element of the Chakmas' behaviour as one of the reasons for their not wanting them to live in Arunachal Pradesh. Despite such common allegations against the Chakma people, I do not at all intend to establish a case against them. However, consistent with my main objective in this chapter, I do wish to argue that such overriding perceptions do shape or colour the response of a people in a given situation.

Yet another ground on which the indigenous peoples take recourse to the 'we-they' dichotomy is the element of cultural distinctiveness. Most of the interviewees emphasised that they were 'different' from the Chakmas in terms of their cultural moorings and ethnic make-up. The argument that the Chakmas share their ethnicity with the indigenous peoples and hence there should not be much problem in accommodating them in Arunachal Pradesh is not subscribed to by them, for they believe that ethno-religious affinity in itself cannot be the basis for ethnic intermixing of people.¹¹ One of the most telling responses in this context by Ocean Gao is worth noting:

If we talk of ethno-religious affinity then the whole of the Northeast except Assam belong to the Indo-mongoloid group. And if we say that the Chakmas and the indigenous peoples come from the same racial stock then why exclude the other Northeastern tribespeople who also share ethnic affinity with us? Moreover, we also have religious, cultural and racial affinities among all the indigenous tribes of the region, so, why not have one single state instead of seven different states in the region.

Commenting on different cultural worldviews and by way of extending the above logic further, Pura Tado observed:

Does my being a Christian qualify me to be considered as an Irish or an American since they are also Christians? Even though some of our people are Buddhists, there are lots of differences as there are different variants of Buddhism. They are very casual about practicing Buddhism. They consume alcohol on the day of Buddha Purnima, which we cannot even think of. Moreover, facial or racial similarity in themselves can not constitute the ground for love between two people.

DUMPING-GROUND SYNDROME: 'ARE WE A WASTE-PAPER BASKET?'

The settlement of Chakma refugees in Arunachal Pradesh since 1964 is variously viewed by the indigenous peoples as 'unilateral', 'arbitrary', 'illegal' and 'unjustified'. An overwhelming number of the interviewees held the central government responsible for putting the Chakmas in the state. Reacting strongly to the decision of the central government in resettling the Chakmas in the state, Nabam Shelly expressed his concern rather graphically: 'Why is the central government hell bent upon dumping all rubbish things in our state? Are we a waste-paper basket?'

Unilaterality and arbitrariness are popularly defined in terms of imposition of decisions from above. A couple of observations by the interviewees in this context are worth citing. While T. Mossang rued the fact that '[e]ven though we had an Agency Council status in 1964 when the Chakmas were brought here by the central government, local consent was not secured as the then NEFA was directly under the control of the central government'. T. Mibang also shared the same sentiments by observing: 'We were never consulted by the central government before it decided to settle the Chakmas in our land. This only shows the indifferent and apathetic attitude of the central government towards us—the indigenous peoples—who have been living here since time immemorial.'

Illegality and unjustifiability of the Indian government's decision in settling the Chakmas in Arunachal Pradesh are explained by an overwhelming majority of the interviewees in terms of 'violation' of several constitutional safeguards extended to the people of the state. While reacting to central government's 'arbitrary' decision of settling the Chakmas in the state, most of the interviewees pointed to the contradiction emanating from such a settlement in a state which enjoys protection under various acts such

as the Bengal Eastern Frontier Regulation Act, 1873; the Chin Hills Act, 1896; the Sixth Schedule of the Constitution, and a host of local customary conventions widely prevalent and upheld by the people of different ethnic communities. As discussed in detail in Chapter 2, these above acts accord various kinds of protection to the indigenous peoples. While calling the decision of the central government to settle the Chakmas in Arunachal Pradesh a 'historic mistake', as it violates the spirit and underlying logic of 'protective discrimination', Tado Karlo observed:

The protective discrimination as laid down in the Inner-line regulation is to protect the indigenous peoples from outside influences at least for some time. Let us come up, let us be equal partners in the nation-building process, only then you [government] open up. It's like gardening a plant. If a sapling is planted, it would need to be properly fenced till the time it can stand on its own. If left unprotected, different animals like goats and cows will come and eat it up ... This is the logic behind the policy of protective discrimination. Arunachal needed it and was rightly extended the benefit of such protectionist policy. However, the Government of India contradicted its own policy by settling the Chakmas in here, as we are still in our infant stage. In the light of modern civilisation and advancement in other parts of the country, we are, of course, illiterate, ignorant and backward. So it makes no sense to settle the Chakmas in our land, as we are not in a position to even express our sympathy with the beleaguered people, let alone shouldering the responsibility of sheltering them or for that matter any other refugee.

Calling the decision of the central government in settling the Chakmas in the state 'unjust' and 'violative' of some of the constitutional safeguards provided to the indigenous peoples of the state, T.C. Teli remarked:

By settling the Chakmas in Arunachal Pradesh, the government of India has violated the established norms of governance. For example, the principle of Panchsheel was not taken into account, which clearly states that outsiders should be discouraged from settling permanently in Arunachal Pradesh. Even the other Acts like the Chin Hills Act and the Bengal Eastern Frontier Regulation recommend the need for adopting the same approach. So, the government of India brought them in here in clear violation of these acts. The decision of the central government in settling the Chakmas in Arunachal Pradesh, therefore, has clearly inflicted insult to the sentiments of the innocent local indigenous peoples, as they did not even bother to consult us, let alone take our prior consent, before taking the decision. They should not have done it. There was no dearth of land in the country to put these Chakma refugees. Why in Arunachal, particularly at a time, when we ourselves were reeling under hard times.

A similar response to the settlement of the Chakmas in the state by N.T. Rikam draws a parallel between Arunachalis and infants:

At the time of Chakmas' settlement in the state, we were very much backward and ignorant. We were just like newborn babies and did not even know how to look after ourselves. So, by settling the Chakmas in our state, the central government has committed grave injustice against us.

The British colonial 'Inner Line' policy of monitoring and regulating the flow of population movements from the plains to the hills in parts of the Northeastern region was introduced under the Bengal Eastern Frontier Regulation, 1873. However, its continuation in the postcolonial Indian state of Arunachal Pradesh with the ostensible objective of 'safeguarding' the culture and identity of the indigenous peoples from the onslaught of external influences is widely perceived by several scholars as a unique instrument for ensuring a better future for the indigenous peoples. As Mallick observes:

Retaining the many positive aspects of indigenous culture, while assimilating the skills and education required by industrialized society is difficult, and few if any indigenous peoples have accomplished it. In South Asia the Indian tribal-dominated border states have come closest to the ideal. Arunachal Pradesh is being seen as a model in this regard. However, the British colonial 'inner line' policy of excluding immigration and its pursuance for security reasons by the Indian government deserves the primary credit. As a general tribal policy it has not been well implemented elsewhere. (Mallick 1988: 193; also see Burger 1987: 275)

Reiterating their 'innocence' and 'ignorance', many of the interviewees put the blame squarely on the Indian government for settling the Chakmas in the state and causing them numerous problems in the process. Interestingly, however, none of the interviewees blamed the Chakmas for coming to Arunachal since they believe that they were brought into the state by the central government. As stated by Mungtang Mossang: 'We do not blame the Chakmas since they did not come here on their own volition. Rather, by taking advantage of our innocence and ignorance, the central government settled them here without bothering for us.'

VICTIMS OF MAJORITARIAN DEMOCRACY: 'OUR VOICE IS NEVER HEARD'

The argument that the modern democratic system, based on majoritarian principle, often subsumes the marginal voices has been often made by the indigenous peoples the world over (Wilmer 1993). Living on the margins of society, such people tend to link the happenings around them with their own worldviews and react to them accordingly. For example, the Indian democratic system is widely seen as being 'oppressive' in nature due to its ever-spreading tentacles towards its own indigenous peoples. This is so not only in terms of the situation as it exists in one of the most remotely located peripheral states of India, for example Arunachal Pradesh, but is also true of the situation in the larger context of the whole of the Northeast. Ethnic unrest and increasing incidents of ethnicity-based autonomy movements and growth of secessionist forces in the Northeast can well be seen as having its roots in the inherent conflicts between the statist and the local worldviews.

Calling themselves 'victims of majoritarian democracy', Athitewa Namchoom thus remarked:

In the existing democratic set up, which operates on the principle of majoritarianism, our voice is never heard. Since we are small in number and we have only two M.P.s representing us in the union legislature in accordance with the principle of proportional representation, we are invariably taken for a ride. Nobody pays any attention to us. Had the same problem been there in any of the bigger states like Uttar Pradesh or Bihar which dominates the Indian political scene on the sheer basis of their huge population, this problem would have been resolved long back.

Wathai Mossang too remarked in a similar vein:

In this modern age of majoritarian democracy, our voice is never heard, as we are numerically a non-entity in the Parliament, with only two Members of Parliament representing us. Other states, however, have greater say in the decision-making process on the sheer basis of their strength in terms of number in the Parliament. This puts them in an advantageous position over us as they can easily get their demands accepted even when they are wrong, whereas nobody listens to us even if we are right.

MAJOR ISSUES

The focus in this section is on articulating those issues which are accorded primacy by the indigenous peoples themselves. By juxtaposing these issues alongside the concerns of the Indian state and those of the Chakmas, we seek to provide a contrasting picture of the competing claims of different parties to the problem.

A Question of Indigenous Land Rights: 'Our Land, Their Living Space'

Of all the issues identified by the indigenous peoples, the question of land rights occupies the centrestage in their worldviews. All other issues, whether they relate to the question of indigenous human rights or indigenous right to self-determination, are ineluctably linked to their most basic and fundamental right over land.

The indigenous peoples believe that their right over land is 'inalienable' and any attempt on the part of the central government to make them part with their land would be strongly resisted. Such moves, if undertaken, they fear, would not only result in 'violation' of some of the constitutional provisions, which provide them 'unfettered' and 'absolute' right over land, but may also endanger their survival as a people. The centrality of the land issue in the indigenous worldview is brought out eloquently in the response of Pisi Jawlai Singpho who remarked:

If you look at our history, NEFA could never be dominated [colonised] even by the Britishers. Our people resisted such designs to the best of their abilities, especially our Singpho people. We did enter into an agreement with the Britishers which was signed in 1826. Consequently, specific area was demarcated as Singpho territory with absolute self-control. We even have an evidential document to prove this. Even the Adis, the Daflas, the Khamtis and others fought with the Britishers in order to preserve their land. So, now, after getting independence, after so much of sacrifice by our forefathers we cannot just leave our land for some refugees who suddenly came from some other country. We, therefore, feel that it is better to die than surrender our land, which we have been in control of since time immemorial.

Such narratives of heroism and valour do not seem to be totally unfounded in the light of some of the recorded history of the region. NEFA, for example, as put by Rustomji:

... was one of the few tribal regions that had never been appreciably influenced by Christian missionary enterprise. Two French missionaries—M. Krick and M. Bouri—who were on an exploratory visit were killed by the Chief of a Mishmi tribe of NEFA in the nineteenth century, and subsequent acts of hostility on the part of the tribesmen convinced the British that these inhospitable hills and their inhabitants would best be left undisturbed. (Rustomji 1983: 95)

Such a response also underpins one vital feature of indigenous peoples' life—their strong sense of belonging to the land they have been both living on and living off for a long time. The reference to the phrase 'since time immemorial' constitutes the ground for their claim to exclusive and inalienable right over land. Such exclusive right and inalienability of land in their lives has also been acknowledged and recognised in Article 7 (b) and (c) of the *UN Draft Declaration on the Rights of Indigenous Peoples* which was agreed upon by the Members of the Working Group and was submitted to the UN Sub-Commission, which adopted the Draft and submitted it in 1994 in the same form to the UN Commission on Human Rights for its consideration.¹² Article 7 (b) and (c) of the Draft Declaration state:

Indigenous peoples have the collective and individual right not to be subjected to ethnocide and cultural genocide, including prevention of and redress for:

- (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c) Any form of *population transfer* which has the aim or effect of violating or undermining any of their rights. (Emphasis added. Quoted in Steiner and Alston 1996:1012)

The centrality of the issue of land rights from the indigenous perspective in the ongoing movement against the Chakmas can also be seen in terms of a strategic shift from its earlier focus on the citizenship issue given the Chakmas' growing demand for the grant of APST status, which entails a claim to equal rights over land. In contrast to the early phase of the AAPSU-led 'Chakma Go-Back' movement when the emphasis was almost exclusively on the issue of citizenship, the recent phase of the movement focuses centrally on the question of the grant of APST status to the Chakmas. Consequently, the citizenship issue no longer occupies a significant space on the agenda of either the state government or the AAPSU-led movement against the Chakmas. The reasons for this shift are two-fold: first, a growing realisation among the indigenous leadership of

the central government's firm determination to grant Indian citizenship to the Chakmas;¹³ and second, an increasing awareness of the fact that the constitutional provisions on citizenship are distinctly tilted in favour of the Chakmas. For example, the recent grant of citizenship to 1497 Chakmas by the Election Commission of India following the verdicts of Supreme Court of 1996 and the Delhi High Court of 2000 clearly explain why the AAPSU is now focusing exclusively on the issue of land rights of the indigenous peoples.

As is evident from the response of Tage Lapung, one of the former Presidents of AAPSU who is reported to have remarked rather candidly:

The Chakmas may be refugees but they are foreign nationals to us. The East Bengal Frontier Regulation Act, 1873 and the Chin Hills Act, 1896 rule out settlement of outsiders in Arunachal Pradesh. When even bonafide Indian citizens need Inner Line Permits to visit the State, how can the foreigners be allowed to roam free? The law of the land does not allow non-Arunachalis to buy land in the State. How can an exception be made in the case of the Chakmas?

The people of Arunachal Pradesh were not consulted when the Chakmas were brought. We have no complaints about granting them citizenship but they should not remain here. Let the centre find a place where they can be resettled.

We see the centre's plan to grant citizenship rights to Chakmas and settle them forever in Arunachal Pradesh as part of its de-tribalisation policy. But we will not allow the centre to have its way. If the government is not prepared to see reasons, we know how to evict the foreigners. (Philip 1996)

Almost all the other interviewees expressed similar sentiments. While they clearly acknowledge the legitimate claim of the Chakmas to Indian citizenship on grounds of their fairly long duration of stay as refugees in the state, they invariably oppose and resist the idea of their permanent settlement in the state with land rights. This explains why the indigenous Arunachalis strongly protest the possibility of the Chakmas being granted APST status which would take away from them their hitherto exclusive right over land. The long-term implications of such an eventuality are aptly captured in the observation of Jarjum Ete:

Having lived in Arunachal Pradesh for more than 40 years they do have a legitimate right to demand citizenship, but their demand for the grant of APST status is not justified. Arunachal is a protected state where even other

non-Arunachali Indian citizens cannot own land. Land is so central to our life that if they were made to settle permanently on our land, our whole existence would be obliterated. Land has special significance for us. Land is not a commodity for us, as it has deep spiritual and mythical significance in our lives. It defines our very existence.

The preceding responses truly reflect the popular perceptions in the state, as not even a single interviewee argued otherwise. The common response in all the interviews was that they do not object to the grant of citizenship to the Chakmas but to the APST status. The reason for this is distinctly rooted in the land question. Indigenous peoples' 'love for the land' and their strong sense of attachment to it are not unique to the indigenous peoples of Arunachal Pradesh, but apply to all indigenous peoples across the world; this has long been acknowledged by various UN bodies and other international non-governmental organisations.¹⁴

There has been a uniform response to the question of indigenous land rights the world over. While the nature of manifestation of such responses may vary in terms of the degree of intensity from place to place and from time to time, in its basic thrust and content, the indigenous peoples, resist almost unequivocally any intrusion into their lands. Whether it is the Indians of the Western Hemisphere or the Maories and aboriginal peoples of Australasia or the Maasai of eastern Africa, their responses are strikingly similar with respect to the land issue and the variety of life systems supported by it. Stavenhagen, for example, captures the centrality of land in the indigenous worldview rather vividly when he states:

Indigenous peoples have always had a special relationship with land. Land has been, and to a great extent still is, the source of their basic sustenance ... their culture and way of life is linked to the land. But the land is not only an economic factor of production; it is the basis of cultural and social identity; the home of the ancestors, the site of religious and mythical links to the past and to the supernatural. This is something special that government planners and economic developers have constantly refused to understand when they simply push indigenous peoples off their land or when they glibly offer "monetary compensation", or relocation in exchange of land expropriation. (Stavenhagen 1990: 100)

The observation of the Vice-President of the World Council of Indigenous Peoples in the context of indigenous land rights brings out the centrality of land in their lives rather forcefully:

The earth is the foundation of Indigenous peoples. It is the seat of the spirituality, the foundation from which our cultures and languages flourish. The earth is our historian, the keeper of events and the bones of our forefathers. Earth provides us food, medicine, shelter, and clothing. It is the source of our independence; it is our mother. We do not dominate Her; we must harmonize with Her. Next to shooting indigenous peoples, the surest way to kill us is to separate us from our part of the Earth. (Burger 1987: 14)

What is crucial to remember here, however, is the fact that while most of the cases of land expropriations by the state take place on account of introduction of some 'developmental' project or the other, the situation is quite different in the context of Arunachal. In contrast to the general scenario, the indigenous resistance in Arunachal is directed against the Indian state for its decision to settle the Chakmas on their land. Furthermore, it is the Indian government's plan of settling these Chakmas permanently in the state, which is being popularly perceived as a deliberate design to 'intrude' or 'encroach' into indigenous peoples' land rights, and is thus being contested.

A Question of Indigenous Human Rights: 'We Do Not Want To Be Extinct'

As stated in the previous section, the question of indigenous human rights is inextricably intertwined with their most fundamental right over land. By linking up the question of their cultural survival with the increasing erosion of their 'inalienable' right over land in the wake of Chakmas' settlement on their land, the indigenous Arunachalis believe that the central government is ignoring the question of their human rights. They also accuse the central government for being keener about preserving the human rights of the Chakmas whom they variously view as 'refugees', 'foreigners' or 'aliens'.

Expressing concern over their possible extinction from the society in the event of Chakmas' permanent settlement in the state, Pisi Jawlai Singpho reiterated the need for the central government to pay greater attention to the much more pressing and fundamental concerns of the indigenous peoples of the state:

The Chakma issue has become a question of survival for us. We have nothing to say on what they are demanding, but one thing is certain that we will not accept them here in Arunachal because the interests of the indigenous peoples

have to be protected first. We are equally concerned about protecting our identity: we love our culture, we love our people, and we love our land. We do not want to become extinct from our society. The moment the Chakmas are given permanent settlement, there will be a flow of Chakmas from Mizoram, Tripura and Chittagong Hill Tracts and they will swamp the whole area. They will disturb the entire peace, ecology and environment, as they do not have any love for the land.

While linking up the Chakma issue with the question of indigenous human rights and critiquing the stance of the NHRC in this regard, Jarjum Ete challenged its legitimacy by arguing that the indigenous concerns have remained absolutely unaddressed. She also expressed concern over the possible fallouts in the event of Chakmas' permanent settlement in the state:

The Chakma issue is a question of our human rights. It is a question of indigenous peoples' rights. It is a question of our existence. Having stayed in Arunachal Pradesh for more than 40 years, they do have a right to demand citizenship, but their demand for the grant of APST status is not justified. NHRC has a misplaced opinion that we in Arunachal are violating the rights of the Chakmas. In fact, there is so much of insecurity amongst us that we, at times, are forced to assert which might reflect a negative image of our people. But, at a conscious level, we do accept that the Chakma issue has been left unresolved for too long. The Government of India must look into it carefully and resolve it effectively instead of dumping the whole problem on Arunachal—a backward state of the country. If, however, they are granted citizenship and APST status then our whole existence will be threatened, our special rights will become meaningless, and our exclusive rights over land will be lost. Will it then not amount to violation of our basic human right to life?

Attacking the international human rights regime and the official Indian perspective on the Chakma issue, Takam Sanjoy, former President of AAPSU, questioned the very *raison d'être* of universal human rights discourse for its failure to address the specific local concerns of the indigenous peoples of the state:

The whole world is linking up the Chakma refugee issue with the question of human rights violation. However, we must make a distinction between the violation of human rights of the refugees and the violation of human rights of the indigenous peoples. The indigenous peoples in the state are much more vulnerable than the Chakmas. That is why we strongly believe that the definition of human rights should differ from place to place. United Nations is

not only for the refugees and protection of their human rights. United Nations should be equally concerned about the protection of the human rights of the indigenous peoples as well.

Furthermore, there is a widespread feeling among the people here, particularly among the youth that the Indian government is paying far more attention to the issue of protection of the Chakmas at the cost of our concerns. What we are saying is that land, water and natural resources are inalienable to us. There could be instances of inter-ethnic or intra-ethnic conflicts in our society, but on certain basic issues we stand united. We cannot, therefore, be forced into parting away with our land, which is so very central to our existence.

Vijay Sonam also articulated similar sentiments rather forcefully:

What violation of human rights are they [NHRC and the Supreme Court] talking about? Is it not human rights violation that the local indigenous peoples are being harassed, that their demographic pattern is rapidly changing and the crime rate is going up and that the local people no longer enjoy a peaceful existence? If something is imposed on us, will it not amount to violation of our human rights? Human rights organisations only side with the Chakmas. Why do they not look at the other side of the story also—the concerns of the indigenous Arunachalis? They must patiently try to look into the issue from our perspective as well.

The above-recorded perceptions are conspicuous for certain overlapping concerns in the local indigenous worldview. However, such common concerns only reinforce what they so centrally hold—the question of cultural survival—which in turn is so ineluctably linked to their attachment to land. Furthermore, recurrence of such common concerns is also indicative of a basic fundamental conflict between the dominant ‘universal’ human rights discourse and the local interpretations of human rights. Such perceptions practically go on to demolish the myth of the existence of a ‘universal man’ or ‘homogenous’ social formations upon which the very foundation of universal human rights discourse rest. The underlying philosophical assumption of the universal human rights discourse which rests on the belief in the existence of a ‘universal man’ amenable to ‘universal formulations’ thus falls flat on account of its inadequacy in addressing such specific ‘local’ concerns as problematised in the above narratives. As also argued by Richard Falk (2000: 62):

... the universality debate in human rights has been insensitive to the fact that even if the standards that have emerged are universally valid in their core claims, the process by which they have been established has not been universal. They reflect primarily Western experience, and it was largely Western political minds that were responsible for drafting and advocating human rights instruments.

A Question of Indigenous Right to Self-determination

The issue of self-determination has recently become a major political claim of indigenous peoples the world over, especially in international bodies.¹⁵ This could be possible owing to an ever growing worldwide recognition of the fact that the indigenous peoples have been leading a marginalised existence on account of their subjection to varied processes of exploitation, discrimination and alienation. As the findings of *The Study of the Problem of Discrimination against Indigenous Populations* under the aegis of the UN Economic and Social Council, 1986 observes:

Pluralism, self-management, self-government, autonomy and self-determination within a policy of ethnic development, as defined by San Jose Declaration, appear to be the formula called for by the times in which we are now living and to do justice to the aspirations and desires of indigenous population, which have for long been subjected to interference and imposed conditions of all kinds. (Wilmer 1993: 183)¹⁶

As a result, after much dithering and debate in various UN specialised bodies, the question of indigenous peoples' right to self-determination has been finally acknowledged and accepted as a fundamental human right. In contrast to all earlier UN promulgations on this question, particularly the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, which narrowly and exclusively focussed on those peoples who were subjected to alien occupation, the scope of the right to self-determination has now been universalised by virtue of its inclusion as Article 1 in the two International Covenants on Human Rights of 1966.¹⁷ For example, Article 1 of both the International Covenants on Civil and Political Rights; and Economic, Social and Cultural Rights identically proclaim that '[a]ll peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue

their economic, social and cultural development'. Furthermore, while commenting on the universality of the principle of self-determination, Aurelio Cristescu, Special Rapporteur of the Sub-Commission observed:

...the principle of equal rights and self-determination should be understood in its widest sense. It signifies the inalienable right of all peoples to choose their own political, economic and social system and their own international status. The principle of equal rights and self-determination of people thus possesses a universal character, recognized by the Charter, as a right of all peoples whether or not they have attained independence and the status of a State. Consequently, the right of peoples to self-determination has the same universal validity as other human rights. (Stavenhagen 1990: 66)

In the context of the Chakma issue in Arunachal Pradesh, the question of the indigenous peoples' right to self-determination figured prominently in most of the interviews of the politically conscious sections of society. This was particularly so in the case of the students and the intellectuals who linked the Chakma issue with one of their most fundamental human right to self-determination by arguing that the Indian government is not willing to acknowledge, let alone address, this fundamental concern of theirs. For example, while raising the question of self-determination and arguing that they are the 'original' or 'first nations', and that their human rights have been systematically violated by the Indian state by putting the Chakma refugees in their land, the legitimacy of which they do not recognise, Kipa Babu remarked perceptively:

We are asking for our right to self-determination. We are using the term self-determination in the sense of internal autonomy or self-rule within the territory of the Indian state. We are not demanding self-determination in the sense in which the Nagas do. What we are saying is that we have been forced into an unwanted situation whereby we are made to bear extra burden when we are not even equipped to shoulder such responsibilities. So, we are simply demanding that we must be relieved of such unbearable burdens, as we are not in a position to even take care of ourselves, let alone the Chakma refugees. Moreover, we never consented to their settlement in the first place. What we are also demanding, therefore, is that these people must not be allowed to mix with us because we are ethnically very different from them, as we have our own distinct indigenous traditions and cultures, the protection of which is very important for us.

Such perceptions are not only widely shared by an overwhelming majority of the interviewees, but also provide significant insight into the nature of the state–citizen relationship. Even though the indigenous peoples do not invoke their right to self-determination in the dominant sense of secession or outright political independence, but in its narrow and restrictive sense of internal autonomy, the response of the Indian state to such demands is distinctly influenced by its predominantly prejudiced understanding of the concept of self-determination, that is, the right to secede. It is precisely because of such rigid and biased adherence to the principle of self-determination by the Indian state that the specific concerns and political aspirations of the indigenous peoples rarely get represented in the official discourse. For example, despite being a signatory to both the International Covenants on Human Rights, India is quite categorical in its reservations to the application of Article 1 of both of these covenants:

With reference to Article 1 [of both covenants] ... the Government of the Republic of India declares that the words 'the right to self-determination' appearing in [those articles] apply only to the peoples under foreign domination and that these words do not apply to sovereign Independent States or to a section of a people or nation—which is the essence of national integrity. (Steiner and Alston 1996: 976)

The official denial of the principle of self-determination by the Indian government even in its limited sense of greater autonomy within the constitutional framework, which has been widely acknowledged and accepted as an essential component of the right to self-determination, thus precludes the possibility of a better understanding of the specific concerns of the indigenous peoples of Arunachal, leading to a skewed perspective on the Chakma issue in the state. As seen before, most of the Asian governments, including India, do not even acknowledge the existence of indigenous peoples within their countries. This unwillingness on the part of many Asian governments to recognise the existence of indigenous peoples in their countries can well be seen as part of the process of nullification of the political category of the indigenous. This is largely so because these governments are unwilling to grant those rights to such people which would invariably flow from a formal recognition of such a status.¹⁸

Sites of Insecurity and Resistance

The most common threat-perception of the local indigenous peoples emanates from the fast growing population size of the Chakmas in the state. However, in the absence of any clear census figure, the total population of the Chakmas in the state continues to remain a matter of dispute. While the white paper that the state government brought out on the issue puts the figure at 65,000 quoting the Chakmas themselves; the AAPSU which has been spearheading the movement claims it has already crossed a hundred thousand by now. While the exact figure may never be known in the absence of any authentic census figure, there can be no disputing the fact that the influx of such a large number of people in a sparsely populated state can potentially throw up a host of problems for the local indigenous peoples. Moreover, the general fear of a potential demographic imbalance does not seem to be all that exaggerated when viewed in the context of the fact that the total indigenous population stands at a mere 550,351 out of a total population of 864,558 according to the 1991 census (Government of Arunachal Pradesh 1994: 6).

The fear of a demographic imbalance is further rooted in a growing awareness among the indigenous peoples of the fact that the Chakmas have already become the single largest refugee group among other groups of refugees and that they are the third largest population group next only to the indigenous Adis and Nishings among 26 major and medium size ethnic groups in the state (Saikia 1996). It is this growing realisation among the indigenous peoples of the looming threat of the Chakmas emerging as the single largest component of the state population in future which makes them resist any attempt to settle the latter permanently which might endanger their survival in their own land. As Jarjum Ete puts it: 'The fast growing population size of the Chakmas in the state may eventually obliterate our own existence by reducing us to a minority in our own land.' In addition to the normal average growth of the Chakmas in the state, most of the interviewees hold the 'uninterrupted' and 'unabated' influx of these people from Tripura and Mizoram into the state as the primary reason behind the continuing increase in their population. As Anthony Mossang explains:

What really bothers us are the new arrivals of the Chakmas from Tripura and other places. The porous border facilitates such intrusions, which go unabated

because the Chakmas, like the natives, do not need any Inner Line Permit to enter the state. This process of continuous intrusion into our land is bound to overwhelm us sooner than later.

The general fear of a potentially unfavourable demographic shift is further accompanied by a widespread feeling among the local indigenous peoples cutting across different sections of the society that the grant of citizenship to the Chakmas and their subsequent permanent settlement in the state with APST status would completely 'marginalise' and 'disempower' them both socially and politically. The fear of losing political control in the event of the Chakmas being given political rights does appear genuine at least in the context of the Miao constituency in Changlang district, which is the only non-reserved constituency in the 60-member State Assembly where the Chakmas are distinctly in majority. According to the 1991 census, for example, the total population of the indigenous peoples in the two districts of Lohit and Changlang, where the Chakmas are in majority, is only 74,000 out of a total population of 2,05,235 (Government of Arunachal Pradesh 1994: 6).

Given the precariously delicate demographic configuration in Changlang district, the indigenous peoples fear that if the Chakmas are granted citizenship and thereby voting rights, it will definitely be a Chakma who will represent the Miao constituency in the State Assembly and not a Singpho as has been the trend so far. While expressing concern over the grant of citizenship and thereby voting rights to the Chakmas, Tony Pertin, sharing the views of many others in the state, observed that in addition to the Miao non-reserved constituency, the Chakmas would be a decisive factor in a few other constituencies as well. He thus elaborated:

Even without the grant of APST status, the Chakmas will enjoy a right to vote as other non-indigenous citizens in the state. If they evenly spread over to 10 to 12 constituencies, they will form a major component of the votes, as the average number of voters in each constituency is about 6 to 7 thousand. They will constitute at least 40–50 per cent of votes in each of these constituencies and the division of local votes on party lines would easily provide them an edge in determining the status of the election results. And the winner parties in those constituencies will have to pander to the whims and fancies of the refugees.

If, otherwise, the winning party would be voted out in the next election. So, in that case, out of 60 constituencies if they could control even 10 constituencies,

they will be in a position to control the government as they would form solid voting blocks in these constituencies. So, in that way the local people will be deprived of their political rights. And if they were granted APST status then the very question of the survival of the indigenous peoples would be endangered. Within a decade, the local society of Arunachal Pradesh will be completely overwhelmed by the Chakmas and we will become a minority in our own land. And in that process, I envisage the situation will be worse than any other trouble-torn Northeastern state. There will be lots of bloodshed.

In addition to the popular fears of potential shift in demography and political power, the possibility of the permanent settlement of the Chakmas in the state with APST status is also deeply resented and resisted by the local indigenous peoples on the ground that it might result in the loss of their identity and erosion of their cultural hegemony. Linking up various ongoing autonomy movements in the country with varying demands for greater internal autonomy within the constitutional framework to more radical demands for secession from the Indian Union with the question of identity, Pisi Jawlai Singpho observed:

The question of the need to protect one's identity has become a central issue everywhere. Today, everywhere in India, why is there a demand for Bodoland or Gorkhaland? Why are our Naga brothers fighting for independence? All such movements can be seen to be drawing sustenance from the primeval instinct of preserving one's identity in the face of perceived threats to the question of cultural survival of the marginal people in an apparently 'tolerant' multicultural society. Similarly, we are also aware of and concerned about maintaining our own identity, which is threatened by the prospect of Chakmas' permanent settlement in our land. We would not want to be reduced to the status of second class citizens in our own land. The government of India must not try to tamper with our existing special status which debar even non-indigenous Indian citizens, let alone the Chakma refugees, from developing long term stakes in our society.

The general fear of unwanted 'ethnic mix' which migration normally brings into communities anxiously seeking to assert their own identity has long been witnessed in many societies vulnerable to mass exoduses both from across the border and from within a particular state. Among numerous examples that one can cite in the Indian context, the states of Sikkim and Tripura, and to a lesser extent Assam in the northeastern region serve as classic examples of societies where the whole ethno-cultural

and demographic composition have undergone a radical change owing to massive influx of people from various ethnic groups both from across the border and from within the territory of the Indian state (Weiner 1993: 1737–46). As already discussed in detail in Chapter 3, the process of migration has drastically transformed the demographic composition of these states by reducing the indigenous peoples to a minority in their own land.

Given the ethno-cultural heterogeneity of the indigenous peoples in Arunachal Pradesh, the fear of ethnic mix is particularly acute among the people who believe that the permanent settlement of the Chakmas will not only reduce them to a numerical minority, but will also seriously erode their distinct ethno-cultural identities, as ethnic intermixing between the Chakmas and them cannot be ruled out in the long run. As Marinar Tikhak sums it up:

The threat emanating from Chakmas' likely permanent settlement in our land needs to be viewed from the perspective of the specificities of Arunachali society. We are a highly heterogeneous society divided into several ethnic groups with distinct ethno-cultural-linguistic roots. Apart from a few ethnic groups like the Adis, Nishings and Apatanis, most of the other groups have very small population sizes making them vulnerable to outside influences. Particularly some of us like the Tangshas, Khamptis and Singphos face imminent threat, as the Chakmas are clearly dominant in our area. Since the Chakmas constitute the single largest homogenous ethnic block in our area (Changlang district), the grant of permanent settlement to them with APST status would immediately endanger our identity and culture by reducing us to marginalised minority ethnic groups in our own land.

The fact that the Chakma issue has remained unresolved for well over 40 years is largely explained by most of the interviewees in terms of central government's 'indifferent' and 'apathetic' attitude towards the indigenous peoples. Almost all the interviewees squarely put the blame on the central government for the festering Chakma issue in the state. This deep resentment towards the Indian government, widely prevalent among an unusually large section of the people, has its roots, as put by several of them, in the 'step-motherly' treatment accorded to them by the Indian federal government. Such overriding perceptions on the part of the local indigenous peoples have consequently 'alienated' them from the Indian state. However, such perceptions of alienation are not unique to the people

of Arunachal Pradesh alone. Rather, the issue of alienation from the Indian state is generally considered to be an all-pervasive feature of peoples' life in the whole of Northeast India. What is even more crucial to note in this respect is the fact that such perceptions also find a dominant place in the scholarship of the region.

Several scholars working on the region invariably trace the roots of all problems to the alienation of the people from the Indian state. However, most of them seek to locate the cause for the same in the lack of development of the region. However, in the context of Arunachal Pradesh, more than lack of development, it is the popularly perceived sense of the centre's 'indifference' in resolving the Chakma issue, which has alienated the people and evoked a strong reaction from them on this issue. Yet another contributory factor in precipitating a general sense of alienation among the people as viewed by them, is the ambiguous and controversial status of Arunachal Pradesh vis-à-vis China. As Jarjum Ete puts it rather well:

As a matter of fact, everyone in today's situation is fighting for one's own identity. So, if the Chakmas want an identity of their own as Indians and as APSTs, the first question would be are the APSTs Indians? Secondly, if the Indian government is not able to declare Arunachal as its own territory and Arunachalis as true Indian citizens, they do not have any right to declare the Chakmas as Indian citizens or APSTs.

For the last more than 50 years, we have been writing ourselves as Indians but who cares in Delhi? And that is exactly where a sense of alienation comes in. People in Delhi make fun of the Northeasterns talking in Hindi. They do not understand our problems and dilemmas. For them, Delhi is the hub of power and Northeast or Arunachal does not exist or matter. For them, it is only a numbers game.

So, if the Chakmas are given Indian citizenship and APST status, the first question that would inevitably arise is are the APSTs Indians? In that case why can not the Government of India reply to China? Tell them that APSTs are Indians and Arunachal is an integral part of the Indian State. Till today, no Arunachali official has ever got a Chinese visa. However, non-officials do get Chinese visas. In 1995, four non-official Arunachali women went on Chinese visa to participate in the non-governmental organisation forum on women. One of them went to UN Conference. Even the Chief Minister and Rajkumar, the present power minister were denied Chinese visa. No government official from AP has ever gone to China on a Chinese visa. So, our identity as Indians is clearly questionable. So, I think, if the Government of India does not have the guts to say that Arunachal Pradesh is part of the Indian Territory and that

Arunachalis are Indians then they do not have any moral authority to declare the Chakmas as APSTs. They may declare them as Indians and take them away. But they cannot declare them as APSTs and settle them here.

If, however, we are forced into accommodating them here in our land, the situation may well go out of control. Any decision to grant them permanent settlement with APST status would immediately lead to the emergence of organised armed resistance by the youth. Even we, the mothers, would not have any role to play other than serving the youth as nurses. That would be a very sad situation. The Government of India still has lots of time to get this problem resolved in a positive and peaceful manner. Otherwise, we can always look across the border [China] as the Chief Minister once said.

Such perceptions of insecurity in the absence of an unambiguous state policy on the status of Arunachal Pradesh and such expressions of threats of shifting nationalist allegiance in the event of permanent settlement of the Chakmas in the state are only representative of the general perceptions in the state cutting across ethnic and class divisions.

The fear of the loss of employment and the Chakmas' eating into the locals' share of resources like land in the event of their permanent settlement in the state are particularly acute among the educated unemployed youth of the state. In a state where the public sector is the biggest absorber of the educated youth in the absence of more viable job avenues and where competition for government jobs is increasing, the youth find themselves heading towards an uncertain future at the prospect of Chakmas' permanent settlement with APST status in the state. As one of the students, Sumitha Namchoom, observed:

The Chakmas are numerically dominant in our area. Moreover, most of them are getting better education outside the state in other parts of the country. So, once they complete their education and are given rights equal to us, they would gradually replace us in government jobs, which are fast shrinking and becoming highly competitive anyways. This would not only seriously aggravate the unemployment problem in the state, but also effectively erode the sons of the soil principle. Where would we go then? Who will give us jobs?

Such perceived insecurities, among others, widely prevalent among the youth not only explain the growing popularity of AAPSU among the youth, but also explain why the students serve as the backbone of AAPSU and the AAPSU-led 'Chakma Go-Back' movement in the state. Moreover, in a state with a strong tradition of single-party dominance, AAPSU has clearly

emerged as the most articulate spokesperson of the people on several issues—the most important of which is the Chakma question.

EMERGENCE OF A PAN-ARUNACHALI CONSCIOUSNESS

Any understanding of the possible emergence of a Pan-Arunachali identity consciousness in the wake of the ongoing movement against the Chakmas needs to be contextualised against the backdrop of the ethno-cultural demographic composition of the state. As discussed in detail in Chapter 3, Arunachal Pradesh is an ethnic *pot-pourri* as it is home to some 26 major and medium-sized ethnic groups and some 110 small and very small sub-ethnic communities with little or no linguistic and cultural similarities. Given the ethno-cultural heterogeneity of the indigenous peoples in the state, Arunachali society can perhaps best be described as an ethnic conglomerate composed of different ethnic groups with distinct origins and cultures.

Has the ongoing 'Chakma Go-Back' movement then been able to inculcate a broader sense of an Arunachali identity in this highly ethno-culturally heterogeneous society? Have the people, coming from different ethnic groups that they do, been able to transcend the multiple ethnic boundaries that separate them from each other? Have they come together under an all-encompassing and unifying broader category of Arunachali identity while maintaining their distinct ethnic identities at the same time? If yes, what accounts for this?

The argument that the in-migration of a non-autochthonous migrant population serves to heighten the sense of identity on the part of the local population has long been acknowledged by several scholars in the field of migration studies and holds well in the context of Arunachal Pradesh (B.P. Singh 1987: 257–82; Baruah 1986: 1184–1206; Bhattacharya 1982; Hazarika 1993: 45–64; Weiner 1978). As Weiner (1993: 1744) observes in the context of South Asia, 'Assamese, Nepalis, Bhutanese and Sindhis have developed an acute awareness of their own identity in part as a result of the in-migration into their community of other ethnic groups.'

Similarly, in the context of Arunachal Pradesh also, an overwhelmingly large number of interviewees attribute the emergence of an overarching pan-Arunachali identity consciousness mainly to the in-migration into the state by the Chakmas and other ethnic groups. Furthermore, unlike

the states of Assam and Tripura, where a massive population movement both from across the border and from within the country has caused serious demographic imbalance with all its concomitant consequences and has heightened a sense of identity consciousness among the people, the problem in Arunachal Pradesh on this account is perceived to be posed more by the in-migration of the Chakmas than that of those who have come from other parts of the country. Although the presence of various ethnic groups from other parts of the country numerically far exceeds that of the Chakmas, the indigenous peoples feel relatively secure vis-à-vis from the non-indigenous Indians and perceive greater threats being posed by the Chakmas who, they believe, have developed 'permanent' stakes in the state. The reason for this relative psychological security in relation to the presence of a large number of non-indigenous Indians lies in a deep awareness among the indigenous peoples of the existence of various constitutional safeguards provided to them which prevent the possibility of the non-indigenous Indians developing any permanent stake in the state. As Taw Aazu observed:

We do not feel threatened by the presence of other Indian citizens in our land as their stay here is temporary and they are bound to go back one day or the other to their own homes after serving in the state. Moreover, they also cannot buy any land here as we have exclusive control over our land. However, we do feel threatened by the presence of the Chakmas who not only insist on staying here permanently, but also demand all the rights that we are presently enjoying.

While most of the interviewees attribute the development of a pan-Arunachali identity consciousness to the 'positive' and 'constructive' role played by the AAPSU, some of them believe that such a sense of identity has long been there which, however, got crystallised and manifested more sharply in the wake of the AAPSU-led 'Chakma Go-Back' movement in the state. Furthermore, while acknowledging the existing ethno-cultural heterogeneity and the need for the people to respect each other's sentiments, most of the interviewees believe that the AAPSU has not only helped popularise the Chakma issue by undertaking several mass social awareness campaigns, but has also brought the people together by instilling in them a common sense of 'Arunachalihood'.¹⁹ For instance, AAPSU's role

in holding the first-ever 'Peoples' Referendum Rally' in 1995 is believed to have set in motion the process of the formation of Arunachali identity consciousness by making them aware of the urgency of the Chakma issue, and its future consequences upon the lives of the people of the state cutting across ethnic lines. As Ego Doye observes:

The Chakma issue has brought us together by providing us with a common platform. We have got more than 100 tribes and sub-tribes and earlier we were indifferent to each other. But in the wake of Chakma refugee issue people from different parts of the state have come together, which has created a sense of common identity among the people. For example, the People's Referendum Rally attracted people from all over the state in a big way who expressed their displeasure both against the Indian government and the Chakmas. It has created a sort of unity among the people, which was earlier missing. And all this could be possible because of the active role played by the AAPSU.

Such perceptions are clearly symptomatic of an emerging trend of a new consciousness in an ethnically heterogeneous society. The emergence of such a consciousness in the backdrop of the Chakma issue has clearly begun the process of the formation of regional identity consciousness or what can, perhaps, be called 'Arunachali nationality'. The objective and subjective bases for the growth of this new consciousness, as discussed earlier, lie in a deeply rooted general sense of deprivation, alienation, marginalisation and a growing sense of a crisis of identity.

In the concluding section of this chapter, we now finally turn to some of the suggestions made by the indigenous peoples themselves to resolve the festering refugee issue in the state. While most of the interviewees do differ with respect to what should be done to help resolve the existing conflict over the Chakmas' settlement in the state, almost all of them are unanimous on what must not be done. All the interviewees, without exception, hold that the APST status must not be granted to the Chakmas which will not only deprive them of some of the rights which they have been solely enjoying, but also deeply dislocate them from their ethno-cultural roots. What they also agree to, almost wholly, is the grant of citizenship to the Chakmas, which they believe cannot be denied to them as they have been living in India without it for a long time. However, as noted earlier, the citizenship question is no longer important from the point of view of the indigenous perspective, which they believe is the prerogative of the central government. What they contest and indeed resist, therefore, is

the question of the Chakmas' permanent settlement with APST status in Arunachal Pradesh, which enjoys certain constitutional immunities from in-migration. Some of the interviewees, marginal in number though, believe that the Chakmas can be allowed to stay permanently in the state if they are willing to live with their present status of 'refugees' or like the other non-indigenous citizens who do not enjoy the same rights as enjoyed by them. As Sumitha Namchoom puts it: 'The Chakmas must not be given APST status. In case they are given, it will lead to a lot of problems for us. The best solution for them would be to remain quiet and stay as refugees as they are presently living.' While expressing concern over the possible grant of APST status to the Chakmas and by way of offering an alternative, Joram Begi observed:

If it is not possible to send them back to Chittagong Hill Tracts in Bangladesh or to any other part of the country then they can be allowed to stay in Arunachal Pradesh as any other non-indigenous Indian citizen living here. But they must not be given the APST status, which the indigenous peoples alone enjoy. Granting them the APST status will be too dangerous.

Apart from the preceding responses, 'repatriation' and 'deportation' invariably figured as the most favoured solutions, among others, in the responses of an overwhelming number of interviewees. Yet another possible solution offered by a majority of the interviewees in the form of an alternative to repatriation and deportation relates to an even distribution of all the Chakmas settled in Arunachal Pradesh all over the country. Calling the Chakma issue a 'national' issue and expressing the need for the Indian government to adopt a different perspective to resolve the issue, Rachob Taba remarked:

Since the Chakma issue is a national issue it must be dealt with at the national level. The whole nation should shoulder the responsibility of hosting these people. Why should we suffer alone? If they are granted APST status, Arunachal will no longer remain a peaceful state. The Indian government must, therefore, adopt a different approach to resolve this problem.

NOTES

1. Limpert's 'People without a country' is just one example, among several others, which does provide an impressive account of the plight of the stateless Chakmas in Arunachal Pradesh in terms of violation of their human rights, but fails to project the indigenous perspective altogether (Limpert 1998: 41-48).

2. The Draft Declaration Process began in 1989 in the Working Group of UN Sub-commission and was adopted by that body in 1994. Part I of the Draft Universal Declaration on Indigenous Rights is devoted to general universal human rights; Part II, to collective cultural and ethnic rights, including protection against ethnocide; Part III, to rights to land and resources; Part IV, to economic and social rights, including the maintenance of traditional economic structures and ways of life; Part V, to civil and political rights, including respect for indigenous laws and customs, participation in decision making, as well as the collective right to autonomy; and Part VI regards recommendation of fair procedures for resolving conflicts or disputes between states and indigenous peoples. See UN Document (1988).
3. This operational directive is at present being considered for revision under a reorganisation of governance instruments within the Bank.
4. The early effort to build a dynamic international indigenous peoples' movement in the 1970s was spearheaded mainly by groups from areas of European invasion and settlement. This led to the formation of The World Council of Indigenous Peoples (WCIP) in 1975 primarily at the initiative of George Manuel of the National Indian Brotherhood of Canada. Originally confined to North, Central and South America, the Nordic region and Australasia, Asian groups were included within its ambit only when they started participating actively in various international fora. Initially, people from India, Japan and Thailand were accorded only observer status and were allowed to speak only in this capacity in the Third General Assembly of WCIP in 1981. However, with the subsequent decision of the WCIP to broaden its geographic scope, a Pacific-Asia Council of Indigenous Peoples was established. Interestingly, even though WCIP has lost much of its initial activism with the passage of time, the indigenous peoples' international movement is increasingly becoming popular with the emergence of numerous international and regional networks in which many groups from Asia are now actively involved. For details, see Wilmer (1993).
5. Established in early 1990s, the Pacific-Asia Council of Indigenous Peoples, which works in close coordination with the World Council of Indigenous Peoples and the Asia Indigenous Peoples Pact (AIPP) have become fairly active as international networks. The primary membership of AIPP in 1996, for example, numbered 18 organisations with a couple of them—the Naga Peoples Movement for Human Rights and BIRSA—from India.
6. As observed by Chimni (1994b: 379):

The Union Legislature (federal parliament) has sole jurisdiction over the subject of citizenship, naturalisations and aliens. India has not passed refugee-specific legislation to regulate the entry and status of refugees; rather, it has handled the influx of refugees at the political and administrative levels. The result is that refugees are treated under the law applicable to aliens, unless a specific provision is made such as the *Foreigners from Uganda Order*, 1972 which dealt with Ugandan refugees (of Indian origin).

7. A pseudonym used on request of the interviewee.
8. A pseudonym used on request of the interviewee.
9. Such perceptions may only derive further strength from the official statistics of crimes as provided for in the State Police records. According to it, 'a total of 2,262 crimes were committed in 2006 alone. These included 60 murders, 34 attempts to murder, 75 kidnapping and abduction, 93 crimes against women including 37 rapes, 181 grievous hurt and nine under the Arms Act, among others' (Asian Centre for Human Rights 2007). Although such figures of crime undoubtedly appear highly inflated, the possibility of deriving political mileage by exacerbating the already growing resentment amongst the indigenous peoples against the refugees cannot be ruled out.
10. There is enough empirical evidence to show how memories have often been selectively used in situations of communal tensions. For a detailed treatment of this line of argument, see Butalia (1998).
11. Common ethnicity between the Chakmas and the Indigenous Peoples of Arunachal Pradesh was apparently one of the reasons put forward by the Indian government in resettling these people in the state.
12. The issue of land rights was first considered internationally from an indigenous perspective at the 1977 NGO conference in Geneva. At the conference, participants agreed to hold a follow-up conference dealing specifically with land issues in 1981. More than 130 indigenous representatives participated in the 1981 NGO conference on *Indigenous Peoples and the Land* in Geneva. For a detailed account of the resolutions adopted in the meeting, see Burger (1987).
13. On 29 April 1993 the central government declared in the Lok Sabha that it 'has taken a decision to grant citizenship to the Chakmas (Talukdar 2009: 49–53).
14. The land issue has distinctly become the principal claim of the indigenous peoples at the present time. Article 12 of the Draft Universal Declaration on the rights of indigenous peoples proposes 'the right of ownership and possession of the lands which they have traditionally occupied' and Article 13 stresses 'the right to recognition of their own land-tenure systems for the protection and promotion of the use, enjoyment and occupancy of the land'. See UN Document (1988). The above right also appears as Article 13 in the International Labour Organisation's Convention 169.
15. The concept of self-determination is almost always exclusively equated with the right to secession or political independence. In contrast to this dominant perception, however, the indigenous peoples usually engage themselves with the internal component of the self-determination principle, which is now gaining wide currency the world over. For example, as Stavenhagen (1990: 69) observes:

Self-determination has many facets, only one of which implies political independence or secession. Self-determination may be internal and external and its components range from simple self-identification at one extreme to

full self-government at the other. Between the extremes, different forms of self-determination may be identified; the applicability of which will depend in each case on particular historical circumstances.

16. *The Study of the Problem of Discrimination against Indigenous Populations*, authorised by the United Nations Economic and Social Council in 1971, was completed under the authorship of Martinez Cobo in 1986. This final report contains 301 paragraphs outlining the conditions of indigenous peoples and the history of UN on the issue, as well as 332 conclusions and recommendations to governments and to international and regional organisations for the promotion of indigenous peoples' rights and the redress of their grievances. See for greater details, Martinez Cobo (1986).
17. This is further evident from Article 31 of the *Draft Universal Declaration on the Rights of Indigenous Peoples* adopted by the UN Working Group on Indigenous Populations which proclaims:

Indigenous Peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions. (Steiner and Alston 1996: 1015)

18. The issue of non-recognition of such peoples as indigenous was recently taken up in a Minority Rights Group sponsored workshop on 'Indigenous and Tribal Rights in the Asia/Pacific Region', which was held on 23–25 February 1996, New Delhi. See *Minority Rights Group Urgent Issues Paper* (1996: 1).
19. It was in August 1995 that the AAPSU undertook several 'Awake-Arunachal' campaigns by holding rallies in various parts of the state in pursuance of the decision taken in its General Council meeting held at Itanagar on 5 August 1995. It also issued a notice to the Members of Parliament from Arunachal Pradesh and legislators to seek explanation for their 'silent and adamant attitude' on the vexed issue through the platform of 'Massive Explanation-cum-Open Public Rally' on 29 September 1995.

The Making of Refugees in South Asia: Nation, State and Outsiders

Much like in the 17th century when the rise of modern nation-states in Western Europe led to the introduction of a new category of people called 'refugees', the making of refugees in South Asia was a by-product of the emergence of postcolonial nation-states in the 20th century. Never before did the refugee issue assume the kind of political salience, as it did in the aftermath of the emergence of modern nation-states. This is so because the emergence of refugees is inextricably intertwined with the very idea of modernity, which actually led to the birth of nation-states in the first place. In other words, the birth of modern nation-states clearly epitomised the contradictions of modernity. In a recent critical study of refugees, Howard Adelman (1999) traces the genealogy of three different phases that emerged in the course of dealing with the issue of refugees in the 20th century, revealing different modes of coping with the contradictions within the nation-state. He shows how each nation-state consolidated itself around a sentimental communal and sometimes atavistic sense of a homogenous nation, while emerging at the same time as the vehicle of universal citizenship and, in idealist liberal belief, the upholder and defender of individual rights. The unintended but inevitable result of such a process was that people were pushed out of one territory because of the rise of one form of virulent homogenous ideology or another, resulting in their subsequent persecution. As Adelman notes (Adelman 1999: 89; also see Zolberg et al. 1989):

[Refugees] are the most symbolic exemplification of the rallying cry of modernity, for [they] are viewed as the products of the dark, irrational forces of premodernity, while their salvation is the epitome of what modernity stands for in its most virtuous guise. At the same time, whereas all ages have witnessed people forced to move from their homes, refugees are the creation of a modern world. They are not just forced migrants but are part and parcel of the development of the nation-state.

In a similar quest for homogenising the nation in South Asia, however, states resorted to varied options ranging from assimilationist policies to ethnic cleansing to the somewhat more benign 'integrationist' ones.¹ What means a state adopted in its pursuit to homogenise the nation mattered little as long as the desired objective could be achieved. A logical corollary of such liberal beliefs both in the context of Europe as well as in South Asia was that the nation-state became the legitimate political agency to uphold and defend individual rights with the sole authority to decide and determine who belongs and who does not. It is in this sense that the presence of 'aliens' of all kinds, including refugees, within the territory of a nation-state became a critical marker of its self-identity, providing essence and meaning to its existence as a distinct political community. As Chimni (2005: 277–78) perceptively notes:

Aliens are what a state needs in order to declare its sovereignty and dignity, 'the political pre-condition of the nation-state'; among aliens, 'the refugee is the absolute other'. This need legitimises the view that aliens and refugees cannot possess the full range of civil, political and social rights, with the latter even less the object of the benevolent gaze of the host state.

FROM PROTECTOR TO PERSECUTOR STATE

Paradoxically, with the rise of one form of powerful homogenous ideology or another and the accompanying intolerance towards outsiders, the protector state simultaneously became the persecutor state, resulting in the persecution and subsequent exodus of those who were not perceived to be members of the state. The 'rational' instruments of a modern state bureaucratic system were systematically put to use to prevent individuals entering the territory they did not belong to. With the gradual division of the whole globe into different nation-states by the 20th century, those not tolerated by a nation-state had virtually no 'free' territory to flee to and had to seek asylum in one state or the other as refugees (Marrus 1985).

This is the fundamental reason why the 20th century has come to be seen as the century of refugees. This is so not because it was extraordinary when it came to forcing people to flee, but because of the division of the globe into nation-states. It was only with the emergence of modern nation-state system that a new category of people called 'refugees' entered the lexicon of inter-state relations. In the process of homogenising the nation, the modern nation-state went overboard in pushing out those who did not 'belong', leaving them with no option but to look beyond the territory they had traditionally lived in and had identified themselves with, leading to their dramatic metamorphosis 'from citizens to refugees'. In this new configuration of the world as a world of nation-states:

... states were assigned the role of protectors of rights, but also that of exclusive protectors of their own citizens, including the role of gatekeeper to determine who could become new citizens. [With the total division of the globe into states] those fleeing persecution in one state had nowhere to go but to another state, and required the permission of the other state to enter it. (Adelman 1999: 90)

However, in the more specific context of South Asia, the cardinal principle of universal citizenship, which constitutes the bedrock of any modern liberal democratic polity, came into sharp conflict with the other competing 'primordial' and/or 'primeval' identities based on race, religion, caste, language and ethnicity. This posed serious challenges to the ability of the nation-states in addressing the two sets of competing identity markers in the new political milieu. Interestingly, the track record of different states in the region in harmonising such ostensibly obstinate cultural markers with a more formal political-legal identity such as citizenship has been, if anything, far from uniform. While some states have unabashedly privileged the primeval affinities while treading the path of nation-building (read homogenising the nation), others have been far more cautious, albeit with little success, by seeking not to appear patently paternalising in pursuing the same goal.

The end of colonialism accompanied by the concomitant partition of the undivided British India into two distinct political entities led to the emergence of new political communities in the form of independent India and Pakistan. Both during the partition of British India in 1947 and the

subsequent dismemberment of Pakistan in 1971, a massive chunk of the population historically sharing a common political-cultural space suddenly became strangers to each other. Arbitrarily drawn boundaries thus resulted in artificially constructed 'modern' nation-states. While politically the newly emergent postcolonial states went on to assume new identities of their own, culturally and civilisationally, they have continued to share a common historical past.

It was against such a backdrop that the notion of the 'Other' got institutionalised and legitimised with the formation of the postcolonial nation-states in the region. Never before did the 'we-they' dichotomy manifest itself so sharply during the colonial period as it did in the aftermath of the emergence of the new nation-states. Such a process of *Otherisation* has over the years assumed definitive forms through the adoption of distinct *nationalist* symbols and institutions in all the three new nation-states, the respective members of which at one point in history had shared a common social-political space. However, even after six decades of independent existence of these distinct political communities (little less than four decades in the case of Bangladesh), the historically shared common cultural past has continued to strongly impact the politics in the region. The cultural outpourings in the form of cross-border movement of people have continued intermittently despite fenced borders and strict vigilance on the potential migrants, exposing the inabilities of the states in the region to maintain the *sacredness* of their territorial spaces. This is so because 'South Asia's post-colonial borders are overwhelmingly cross-cut by ethnic allegiances... [the] spill-over of ethnicities across international state borders renders more complex the task of constructing refugee policy in the region' (Oberoi 2006: 237).

In addition, systematic attempts by some of the political regimes to hound people out from the land they have traditionally occupied in the quest for an ethnically homogenous political community have all too often resulted in the creation of refugees. Refugees, in the modern sense of the term thus, were born only with the formation of the new nation-states in the region. It is precisely because of such a history of the making of refugees in South Asia that the issue of forced trans-border migration in the region has invariably proved intractable to resolve. The instances of lingering refugee issues in the region are numerous. Of all the states in South Asia, Pakistan currently tops the list in terms of hosting the

largest number of refugees. In all, it hosts about 1.2 million refugees who have sought asylum from different states of the world. The largest group comprises of Afghans who came fleeing 'unsettled conditions' in neighbouring Afghanistan (Chari et al. 2003: 7). Other smaller groups of refugees include some 900 from Somalia and 500 each from Iran and Iraq. In the context of South Asia and its adjoining regions, however, India has traditionally remained the principal refugee hosting country. According to one of the recent enumerations conducted by the United Nations High Commissioner for Refugees (UNHCR), the total number of refugees in India in 2000 was 292,000. Of these 110,000 were from Tibet; 42,000 from Myanmar; 14,500 from Afghanistan; 15,000 from Bhutan and 110,000 from Sri Lanka. The largest number of refugees in Nepal are the Bhutanese who number 110,000. In addition, there is also a small group of 20,000 Tibetan refugees in the tiny Himalayan republic of Nepal. Bangladesh hosts about 53,000 Myanmarese refugees. It also has 238,000 'Biharis', who are 'stateless' persons and are often referred to as 'stranded Pakistanis'. Sri Lanka has no refugee population *per se*, but there is a large presence of '689,000 internally displaced persons who are victims of more than the two-decade long ethnic strife in that country' (Ibid.: 8).

The absence of Chakmas living in Arunachal Pradesh in all contemporary enumeration of refugees in India is conspicuous. Whether it is the report of the UNHCR or that of various NGOs in the field or the records of debates in the Indian Parliament, the Chakmas are never actually accounted for. This can probably be explained with the help of the fact that the Government of India for long treated it as a well settled issue particularly in the face of no local resistance until the early 1990s when the indigenous peoples rose up in protest at the prospect of Chakmas' permanent settlement in their state.

The absence of stateless Chakmas from all official accounts of refugees in India can also be seen from one of the recent enumerations done in the Indian Parliament. On 24 August 1994 the Indian Government stated in the Parliament that in all a total of 232,182 refugees were then residing in the country. Of these 101,000 were Sri Lankan Tamils; 80,000 Tibetans; 51,000 Chakmas (living in Tripura, all of whom were repatriated by February 2000) and 182 refugees from Myanmar.² A more recent account of refugees in India based on figures collected by the UNHCR,

the principal international agency concerned with the assistance and protection of refugees, is also illustrative of this. This study observed:

Today [1998], the refugee population in India is about 260,000 persons. The largest groups comprise about 100,000 Tibetans followed by 64,000 Sri Lankan Tamils, 44,500 Chakmas from Bangladesh [living as refugees in the Indian State of Tripura, all of whom were repatriated by 2000], 19,000 Afghans and 1,000 of other nationalities mainly from Iran, Iraq, Somalia, Sudan and Myanmar. (Gorlick 1998: 26)

What is conspicuously missing in this enumeration of refugees by the UNHCR in the South Asian region is the presence of some 65,000 stateless Chakma refugees in Arunachal Pradesh. However, it is not exceptional of UNHCR, as the Chakma refugees are never actually accounted for in any enumeration of refugees in India, including the official one.

Given the complex nature of the making of refugees and the extent of arbitrariness involved in the formation of modern nation-states in the region, the possibility of effectively resolving such issues indeed appears remote, if not impossible. Each episode of the making of refugees in South Asia thus not only continues to remain a constant source of conflict and bickering between different states in the region, but has also proved intractable to resolve.

The intractability of the refugee issue in the region is further complicated by the presence of an all-pervasive national security discourse—an issue that we shall return to a little later in the chapter. Given the dominance of such a security-centric framework, ‘almost every political, economic and human issue, be it internal or external, is invariably examined through the prism of national security’ (Bose 1997: 61). Dominance of such a perspective has thus clearly resulted in underplaying or downplaying the foundational humanitarian concerns of those who are virtually hounded out of their homes, and made refugees in the process.

This is made worse by the complete lack of any consensus among the various states over the pressing need to evolve a regional framework to help resolve such issues to the satisfaction of all the parties concerned—the refugees, the actually hosting communities, and the refugee sending and receiving states. What is more, none of the South Asian states has adopted any legal and/or legislative framework at the domestic level to deal with such issues. Nor do they have any refugee determination procedure causing

unprecedented confusion to those who are forced to flee their homes and seek refuge. The problem gets further aggravated by the fact that none of the states in the region has ratified the 1951 *UN Convention relating to the Status of Refugees* or its additional 1967 Protocol. The complete absence of any institutional or legislative framework at the national and regional levels, accompanied by a resolute determination not to ratify the 1951 UN Convention at the international level has thus clearly resulted not only in denial of access to a refugee rights regime, but has also further deteriorated the predicament of the refugees, who constitute a special class of 'aliens' because of multiple dislocations that they encounter in the process of becoming refugees.

Clearly, then, there is a case for revisiting state responses to refugees in South Asia. The obvious question that arises thus is how do the states in the region respond to the issue of forced trans-border migration in the near total absence of any framework? It is against such a background that this chapter seeks to problematise the responses of the South Asian states to refugees. Far from presenting a detailed account of the specificities of different refugee situations in the region, the basic objective here is to serve an analytic purpose by trying to explain as to why such issues have invariably proved intractable to resolve. It ends by reiterating the need for adopting an alternative framework to address such issues in the region.

However, before analysing the nature of the dominant framework that helps guide the responses of the states to refugees in the region, it would be worthwhile to highlight the changing nature of the international refugee rights regime which further strengthens the resolve of the South Asian states to continue to desist ratifying the international convention which came into existence in 1951.

REFUSING REFUGE: CHANGING WESTERN PERCEPTIONS OF THE INTERNATIONAL REFUGEE RIGHTS REGIME

Nearly three years ago, Tony Blair, the then British Prime Minister, had expressed the urgent need to overhaul Britain's migration policy to add 'fairness' and 'transparency' to its migration regime in an attempt to respond to the changed realities of the globalising world. To quote him:

Those who have something to contribute will be actively welcomed. Those who seek to abuse the system or bypass proper procedures will be discouraged and

refused entry. We will ensure the system is secure, prevents abuse, and ensures that those coming to the U.K. are not a burden on society. (Blair 2006)

Also consider a recent statement made by Liam Byrne, the British Home Office Minister of State for Borders and Immigration and Minister for the West Midlands, in which he exalted the spirit of the policy as articulated by the former British Prime Minister:

Every government has the right to control its own borders. That's not controversial... The challenge we face is to put in place a system that makes the U.K. attractive and easy to reach for those we wish to come—for tourism, study and work, but to keep out those who intend to harm or abuse our country ... I want to encourage *people with the right skills* to come to the U.K. and India is a key source of the skills we need. To benefit the U.K. economy, we need to fill *skills gaps*... (Emphasis added. Byrne 2008)

Such pronouncements have not only become a daily routine occurrence in newspaper reporting, but clearly indicate a growing unwillingness towards the unwanted people. Refugees, in such a scheme of things, would hardly qualify as people with requisite *skills* that would allow them a foothold in an increasingly bordered world. The above statements are also significant for underscoring the changed priorities of the Western countries towards refugees in the highly transformed post-Cold War world order, which is, however, clearly marked by an apparent contradiction.

While the rich developed countries of the West constantly harp on the ever increasing need to do away with 'artificial' boundaries in pursuit of free flow of capital and goods, they are busy erecting 'walls of protection' to prevent the unwanted from entering or seeking asylum leading to the establishment of what has come to be called the *non-entrée* regime. The creation of a *non-entrée* regime by the Western countries is a testimony to the vastly changed priorities of the developed democracies in the post-Cold War era. The norm of *non-entrée* ('the refugee shall not access our country') aims at excluding unwanted migrants through preventive, arms-length measures such as imposition of visa requirements on the nationals of genuine refugee producing countries enforced through carrier sanctions; first host country and safe third country rules applying to refugees who do not travel directly to the country where they seek asylum; safe country of origin exclusions that discriminate against refugees from non-traditional

refugee-producing states; and the refusal to accept refugee claims made in so-called 'international zones', such as the transit lounges of international airports (Hathaway 1992: 40).

Such a change in the nature of perception and policy in the Western world is aptly captured by Jonathan Bascom who observes that 'Western nations are rapidly shifting from a "welcome mode" into a "protection mode"; all across Europe, boundaries are tightening against new influxes of refugees' (Bascom 1994: 226). As also observed by Chimni:

More than 90 per cent of those given asylum in the West in the course of the Cold War came from the former communist countries. With the Cold War dissipated, refugees have lost ideological and geopolitical value causing international refugee law to move away from the exile bias. (Chimni 1998: 350; also see Richmond 1994: xii–xv, 206–8, 210–11)

Now that the Cold War is over, albeit formally, the Western countries have lost interest in maintaining the refugee rights regime, which they had themselves created during the Cold War. Currently, migrations are being viewed by European governments as their biggest problem. In Europe, race is a major factor and non-whites face discrimination. Across that continent, once home to political and economic refugees, especially from the communist nations, the walls are going up on the boundaries of 'Fortress Europe'. In sharp contrast to the Cold War period when the 1951 Convention definition of refugee was used by the developed capitalist West to score ideological victory over the rival communist regimes by playing host to those fleeing their communist ruled states, the industrialised West is currently focussing all its attention on providing humanitarian assistance and protection to potential refugees inside their respective countries, thus pointing to the 'anachronistic nature of the concept of sovereignty' (Chimni 2000: xiv).

Such fundamental shifts in the Western perceptions of the refugee issue in the post-Cold War period have clearly inflicted a severe blow to the original purpose of the UNHCR. As observed by Chimni (*Ibid.*): 'Under pressure from the powerful and rich donor countries, it is presently being metamorphosed from a refugee to a humanitarian organization reflected in its growing involvement with internally displaced persons.' It is this underlying reality that, Chimni believes, constitutes a major stumbling block in the way of ratification of the 1951 Convention from

the perspective of the Third World countries which fear that such a shift may provide a pretext to the developed West for intervening in their internal and external affairs.

A whole range of restrictive practices have been institutionalised and legitimised in the Western world to prevent refugees fleeing underdeveloped countries from arriving at its doorsteps. The Canadian sociologist Anthony Richmond has gone to the extent of calling this an attempt at constructing 'global apartheid'. The most significant development in this context is the emergence of what has come to be called the idea of a 'safe haven' or 'safety zone'.

The notion of a safe haven or a safety zone which originated during the Kurdish problem in the aftermath of the Gulf war symbolises the restrictive practices of the developed countries towards asylum seekers since it leaves the internally displaced or the prospective refugees with no option but to look for a 'safer' place within the country of origin. Citing the example of Iraq and Yugoslavia, Chimni demonstrates how the idea of a 'safe haven' was conceived and conceptualised by the Western democracies for whom the ideological underpinnings of the Cold War now made no sense in the vastly changed contemporary world. Refugees, particularly from the developing world, now had no 'ideological' or 'strategic' value for the Western democracies. Elaborating upon the concept of safe haven in the context of the Kurdish issue, Chimni (2000: 452) uncovers the hidden agenda of the West by showing how the Western countries connived with Turkey in order to prevent the Kurds from seeking asylum in Turkey. The denial of asylum to the Kurds by Turkey and its decision to provide 'humanitarian' aid at the border—an outcome of Civil War instigated by the Western powers—was condoned rather than condemned by the West. The same story was repeated in former Yugoslavia a year later in mid-December 1992 when the towns of Gorazde, Zepa, Tuzla and Sarajevo were declared as safe areas by the UN Security Council thus formally legitimising the institution of safe haven at the cost of the right of people to seek safety outside.

Chimni draws interesting parallels between a safe haven and a prison house by highlighting the helplessness of the internally displaced in seeking refuge into the world outside. To quote him:

It is a prison because escape into the world 'outside' is not a serious possibility; the choice that it offers is between the confines of the zone and an unsafe world in which survival is a distinct impossibility. There is no available space which is 'outside' the 'outside'. Rather, the prison house is constructed and maintained by those outside the outside. (Chimni 2000: 455)

In addition to this, some of the other stringent practices include 'restrictive visa policies and carrier sanctions'; making airline carriers liable to fines for carrying passengers without proper documents; demarcation of 'international zones' at airports where physical presence does not amount to legal presence and from where summary and arbitrary eviction is permissible; and, 'safe third country' concept whereby asylum seekers are denied access to a comprehensive asylum determination procedure because they could apparently have sought protection in countries they passed through to reach their ultimate destination (Richmond 1994: xii–xv, 206–8, 210–11; also see Hathaway and Dent 1995: 5–7). Adoption of such practices in the post-Cold War era clearly indicates that refugees, particularly from the developing world, now have no 'ideological' or 'strategic' value for the Western democracies.

Yet another example of growing indifference towards asylum seekers can be seen in the context of the creation of a 'rights free zone' by the United States, the so-called 'land of the migrants', with a view to preventing the prospective refugees from coming to its doorsteps. Following this policy, the Haitian and Cuban asylum seekers were intercepted on high seas and were put in such 'rights free zone' before they could land in United States and stake their claim to asylum as refugees on grounds of 'persecution' or 'threat of persecution'. This indeed has been criticised as a rather narrow definition of *non-refoulement*, leading to the emergence of a broad consensus both among scholars and practitioners in respect to the declining standards of protection of the rights of refugees in the developed world. Barbara Harrell-Bond and Voutira, for example, argue that 'with the political expedience of granting protection diminishing, the principle of *non-refoulement* is increasingly under threat' (Harrell-Bond and Voutira 1992). This becomes further evident from the judgement delivered in *Sale v. Haitian Centers Council* in which the US Supreme Court decided that the act of interdicting Haitian refugees on the high seas and

returning them to their country of origin irrespective of their claim that they have a well founded fear of persecution was not violative of Article 33 of the 1951 Convention. This judgement provoked near universal condemnation and has been described by the UN High Commissioner for Refugees as a 'setback to modern international refugee law' (Hathaway and Dent 1995: 5–17).

Clearly, then, the dismantling of the 1951 Convention by the Western states, which were instrumental in its adoption in the first place, does not provide the conducive climate in which the Indian state, or for that matter, any other South Asian state can be persuaded to become a party to the Convention. Contrary to the arguments made by several scholars in support of the 1951 Convention, we argue instead that India must desist from ratifying the same unless the Western countries plug the existing loopholes and withdraw the restrictive practices. As Chimni (2003: 447–48) puts it:

... along with other countries of South Asia (none of which are parties to the 1951 Convention), India should argue that their accession is conditional on the Western States rolling back the non-entrée (no entry) regime they have established over the past two decades. ... The dismantling of the non-entrée regime would also be in keeping with the principle of burden-sharing, which has arguably evolved as a principle of customary international law and requires that the responsibility of providing asylum be shared by all States. At present, this is far from true, as third world countries, some of which are the poorest ones, host the predominant majority of refugees.

THE DOMINANT PARADIGM

The issue of refugees has been traditionally addressed within the domain of what is called juridical–political framework and/or the national security discourse. Dominant concerns in such frameworks are invariably centred on state sovereignty, territoriality and frontiers, or are often laced with the rubric of what is euphemistically called national interest. The reason for this is not difficult to fathom since states have historically used refugees as political tools to further their interests. As a matter of fact, the 1951 UN Convention on the Status of Refugees and the 1967 Protocol relating to the Status of Refugees was built around fierce ideological rivalries between the capitalist and communist blocs in the 1950s against the backdrop of the Cold War (Chimni 1994a; Hathaway 1991: 6–10). This becomes evident from the narrow and limited sense in which the developed

capitalist West used the definition of a refugee in the 1951 Convention to score an ideological victory over the rival communist regimes and by playing willing hosts to those fleeing the communist states. As per the definition given in the 1951 Convention, the mandate of the Convention extends to any person who:

as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (*United Nations High Commissioner for Refugees* n.d.)

Soon after its promulgation, the 1951 Convention came in for sharp attack on temporal and spatial grounds. The scope of mandatory international protection to refugees under the Convention was limited to those whose flight was prompted by a pre-1951 event within Europe. This evoked strong criticism from the Third World countries, including India, on grounds of eurocentric bias, as refugees from the Third World were clearly denied access to the refugee protection regime under the mandate of the Convention. However, even though the 1967 Protocol 'universalised' the 1951 Convention by removing the temporal and geographical limitations, the protocol failed to review the substantive content of the definitions it embraced. A careful look at the Convention definition reveals that only that person whose migration is prompted by a fear of 'persecution' in relation to civil and political rights comes within the scope of Convention-based refugee protection. As observed by Hathaway: 'This means that most Third World refugees remain *de facto* excluded, as their flight is more often prompted by natural disaster, war, or broadly-based political and economic turmoil than by "persecution" at least as the term is understood in the European context' (Hathaway 1990: 162). The historical reason for reference to civil and political rights alone was to embarrass the former Soviet Union and its allies whose record in the sphere of civil and political rights was less than wholesome.

Yet another limitation of the Convention despite the adoption of the 1967 Protocol relates to the individualised refugee determination

procedure. The procedure to determine refugee status continues to remain individual-based rather than on group basis. This was also done with an eye on the dissident European refugees from the communist regimes all of whom invariably took refuge in small numbers. Arundhati Ghose, former Ambassador and India's Permanent Representative to the UN in Geneva, in her statement to UN at the 48th session of the UNHCR Executive Committee, Geneva on 13 October 1997 explained at length why India has desisted from ratifying the international refugee rights regime:

The 1951 Convention was adopted in the specific context of conditions in Europe during the period immediately after the Second World War. International refugee law is currently in a state of flux and it is evident that many of the provisions of this convention, particularly those which provide for individualized status determination and social security, have little relevance to the circumstances of developing countries who today are mainly confronted with mass and mixed inflows. (Ghose 1998: 57)

More recently, in the year 2000, a similar view was expressed by the Indian government in the Rajya Sabha, the Upper House of Parliament, reiterating its unwillingness to become a party to the 1951 Convention:

India has regarded 1951 Convention and the 1967 Protocol as only a partial regime for refugee protection drafted in the euro centric context. It does not address adequately situations faced by developing world, as it is designed primarily to deal with individual cases and not with situation of mass influx. It also does not deal adequately with situations of mixed flow. In India's view, the Convention does not provide for a proper balance between the rights and obligations of receiving and source states. The concept of international burden sharing has not been developed adequately in the Convention. The idea of minimum responsibility for states not to create refugee outflows and of cooperating with other states in the resolution of refugee problem should be developed. The credibility of the institution of asylum, which has been steadily whittled down by the developed countries, must be restored.³

All this clearly shows that the Western democracies are not interested in addressing the refugee problems of the Third World countries, as the nature of trans-border migration in these countries is generally one of mass exodus or massive flows. It is for such reasons that Hathaway calls the adoption of the Protocol 'as something of a Pyrrhic victory for the less developed world: while modern refugees from outside Europe were formally included

within the international protection scheme, very few Third World refugees can in fact lay claim to the range of rights stipulated in the Convention' (Hathaway 1990: 163). Interestingly, however, despite such limitations, the 1951 Convention definition continues to be the most widely accepted definition of a refugee as 134 states have ratified it.

More recently, however, the Cold War-centric concerns have somewhat receded to the background. The possibility of deriving ideological leverage has diminished with the collapse of the communist bloc and the formally declared end of the Cold War. Extending refuge to asylum seekers from the erstwhile communist regimes, or for that matter from the poorer Third World countries, is no longer viewed as a politically lucrative option in the changed international context. The purely political-strategic calculations, which so characteristically epitomised the grant of asylum during the Cold War, have now come to be replaced with indifference and apathy towards asylum seekers.

REFUGEES IN THE SOUTH ASIAN SCENARIO

Much like the responses of states to refugees in the Western world, state responses to refugees in contemporary South Asia also remain grounded in the dominant national security framework. Refugee flows are increasingly looked upon as potentially threatening in nature, which can have debilitating impact on the 'national security' of the state. Hence, these continue to be seen as issues too vital and sensitive to be left either to the refugees themselves or to those who are made to host them. Talking in the context of South Asia, Bose (1997: 61) observes:

The issue of cross-border migration has been deliberately projected by governments and the elite as threatening national security and national integrity. The existence of cross border ethnic communities which are in a minority in one country and a majority in another, further entraps the refugee into a national security complex, especially where host governments use refugees (warrior refugees) to further security or foreign policy goals.

The general dominance of national security framework in South Asia can be seen from the typical 'knee-jerk' responses of the states whereby they try to stop trans-border population movements by erecting barbed wire fences along their borders. It is a different matter that such efforts have hardly proved effective in checking flows of people across the border.

Bose observes that despite the all-pervasive security-centric mindset in the region and the consequent efforts to control population flows, borders largely remain porous and 'migrants do slip over into neighbouring states to escape political persecution, generalised violence or the denial of basic human rights, including the right to food, water and shelter' (Ibid.).

In the more specific context of India, Samaddar shows how a 'spectre' of hordes of illegal migrants descending from Bangladesh has led to the building up of a 'security-centric mentality' (Samaddar 1999: 19). What keeps this spectre alive, argues Samaddar, is 'the complex but doleful picture of population growth, poverty, flood, famine, cyclone, war, riots and persecution'. The construction of such a 'security-centric mentality' in India draws further strength from the fear which accompanies the spectre: a 'haunting fear regarding *lebensraum*—masses of migrants from Bangladesh demanding the right to find a *lebensraum*, a heaven in India'. By 'turning India into a national security state', the dominance of this framework has peripheralised the agenda of rights of the refugees. By critiquing one of Weiner's recent articles for its security-centric analysis of the refugee issue, Samaddar further shows how 'political scientists discussing population flows in South Asia think only in the dominant framework of security and stability, the political role of the immigrants and the imperatives of an institutional framework that will "contain" and "tackle" the "problem". Rights do not enter the agenda at all' (Ibid.: 51).

On a more general plane, a recent classification by Nicholas Van Hear divides literature on migration and refugees into two broad categories. At one end of the spectrum are those Van Hear calls 'migration paranoiacs' (van Hear 1998: 262). They take the perspective of the state, see migration largely as a threat to national security, and privilege the rights and concerns of the host country or established communities. Weiner can be identified with this category of scholars. On the other end is the category of 'migrant romantics'. It comprises of liberals who focus exclusively on the rights of migrants, and how they are wronged (Ibid.: 262).

In the context of South Asia, a useful example of the second category could be the Bangladeshi intellectuals who, of late, have been vigorously upholding the theory of *Lebensraum*, albeit in a different context. Unlike Hitler who invoked it in defence of unfettered national expansion for economic self-sufficiency, the Bangladeshi intellectuals argue that given the ever increasing pressure on land in Bangladesh, a 'New International Demographic Order' needs to be established (Hazarika 1993: 48). In other

words, their argument rests on the assumption that growing pressure on land in Bangladesh will be greatly eased, if the movement of citizens in search of greener pastures remains unhindered by international laws or boundaries.

Given such asymmetry of focus between the extreme positions, the need to strike a balance between the two appears pressing. Equally pressing, however, is the need to overcome a shortcoming, which is common to the two frameworks. Even while both claim to represent the interests of those whose interests are crucially involved, neither pays serious attention to the self-perceptions, be these of the refugees themselves or of the actually hosting communities.

As a result, neither framework allows the people most directly affected, to speak for themselves. The two frameworks not only tend to be deaf to people's own understandings of their predicament, but also silence their voices in the process. This is problematic because it objectifies the refugees as well as those who are made to host them. Denied of their intrinsic right to represent themselves, refugees get *represented* by a wide range of state agencies or even non-governmental aid agencies. Invariably assuming a sense of self-righteousness, these agencies carry a moral baggage vis-à-vis the refugees, leaving little scope for self-representation to those whose living conditions they wish to ameliorate. The futility of such an approach is, perhaps, best captured by Malloch Brown who views it as '... the last bastion of the ultra-paternalistic approach to aid and development. It is hard to think of another area where the blinkered nonsense of the "we know what is best for them" approach survives so unchallenged' (Needham 1994: 17). A similar ground of criticism is quite aptly underlined in a recent study by Indra on the politics of resettlement of refugees. While analysing the role of aid disbursing agencies, Indra shows how refugees are often turned into mere objects of assistance and in the very process of aid disbursement are deliberately pushed to the margins:

[S]ocial service deliverers customarily create an image of 'the refugee' in such a way that as 'experts' they can take custody of them. Individuals are made into 'clients' by being categorised impersonally. Policy is decided deductively and unilaterally, with little inputs from refugees themselves. This creates a 'non-reciprocal causal epistemology' among practitioners in which cause and effect ... is self-evident, in which refugeeism is constructed as a social problem and where there is a standardised prescription of how experts should act in order to ensure their clients' salvation. (Cited in Harrell-Bond 1999: 139)

Turned into mere 'clients' or objects of assistance, no critical input is sought from the refugees as to how they would wish to be assisted to make a new beginning. Bypassing them thus in any exercise that seeks to reconstruct their lives is a sign of insensitivity to their concerns. It is precisely because of such insensitivity that refugee issues tend to fester.

There are problems even when states adopt an apparently more sensitive attitude, as for example in the case of 'humanitarian' aid to refugees. More often than not, a state looks at itself as the sole agency with the ability to impart such aid. While there can be no doubt that the state is the most resourceful political agency to redress such problems, what is problematic is the paternalistic attitude with which it goes about extending assistance on 'humanitarian' grounds. Moreover, there is also a political dimension to the humanitarian assistance often extended to the refugees. As Samaddar observes (1999: 35): 'Humanitarian assistance is often regarded as having political consequences and is therefore manipulated by states, who are parties to a conflict, for their own ends. This cynicism has increased, as states know that with the end of Cold War, the great powers have a significantly reduced interest in impoverished nations and regions.' Assistance to hapless peoples in their moments of crisis is seen by such a state not as an international duty or obligation, but as a favour or an act of generosity.

Given the dominance of the national-security discourse, the refugee issue in South Asia is primarily dealt with at the bilateral level and is not considered important enough an issue to be taken up at the level of binding multilateral treaties or agreements. The possibility of a paradigm shift from bilateralism to a multilateral framework particularly appears bleak when we take into account some of the peculiar features of the region. Some of these, as identified by Weiner, reflect the prevailing dominant orientation of the states against the adoption of a regional framework or a multilateral arrangement (Weiner 1993: 1737–46). First, none of the states in South Asia have the capacity to control or regulate population movement as the borders are porous and governments lack the administrative, military or political capacity to enforce rules of entry. Second, owing to the general dominance of the 'national security' perspective in the region, cross-border population movements in South Asia are regarded as issues that affect internal security, political stability and international relations, not simply the structure and composition of the labour market, or the provision of services to the newcomers. Third, there is the possibility and

the consequent fear of a refugee flow transforming the ethno-religious and linguistic composition of the receiving area within the host country. Such fears may sometimes assume threatening proportions in situations where local anxieties peak owing to perceived threats of getting culturally and/or economically swamped. For instance, in 1971, given the already substantial presence of outsiders, some of the states (Meghalaya, Assam and Tripura) in Northeast India were concerned that the influx from Bangladesh would result in the indigenous peoples becoming a minority in their own land. The same could be said to be true of the situation as it presently exists in yet another northeastern State—Arunachal Pradesh.

For these reasons, governments in South Asia have concluded that unwanted migrations, including those of refugees, are a matter of bilateral and not multilateral relations, and that international agreements could constrict their freedom of action. Indicative of the desire to deal bilaterally with the entire gamut of problems is the fact that 'the paramount regional organisation, South Asian Association for Regional Cooperation (SAARC), has chosen to exclude the issue of population movements from its purview for fear that it would disrupt the organisation' (Weiner 1993: 1743).

CIVIL SOCIETY INITIATIVES IN SOUTH ASIA

While the responses of states to refugees in South Asia have, over the last 60 years, remained essentially rooted in the security-centric mindset, new initiatives by several civil society groups to create a culture of care for refugees through various interactive sessions bode well for the future of such people in the region. Although such independent and informal initiatives are a welcome development, they are still at a nebulous stage and may not mean much unless they sufficiently mobilise public opinion in the region, thereby bringing about adequate pressure to bear on the respective governments, prompting them into adopting a regional framework of rights of refugees.

The last few years have particularly witnessed a spurt in such initiatives, indicating a growing realisation and willingness on the part of civil society groups to put in place a fair and transparent framework of protection regime for refugees. The key players in such initiatives range from international humanitarian organisations such as the UNHCR to various NGOs to eminent personalities like jurists, legal practitioners, activists and academics in the region. Even though such initiatives lack

the sanction of treaty obligations and are non-binding in nature, they are increasingly being seen as gaining wider acceptability both among state and various non-state actors in the region. Pia Oberoi in a recent comprehensive study of such initiatives notes rather optimistically:

Far from being mere 'talking shops', such initiatives contribute, by involving state as well as non-official actors, to the dissemination within the region of the normative and legal underpinnings of the international refugee regime. Though none of the regional initiatives so far can be said to have a binding character, the creation of convergent expectations through repeated participation in such processes of consultation over time would tend eventually to influence state behaviour. (Oberoi 1999: 194)

The role of the Asian–African Legal Consultative Committee (AALCC), the Fourth Informal Consultation on Refugees and Migratory Movements in South Asia (also known as the Eminent Persons' Group or EPG), and the third meeting of the Asia/Pacific Consultations (APC) and a host of local NGOs towards evolving a regional consensus on common standards for refugee protection assumes critical importance in the light of the fact that South Asian states have not at all been forthcoming in evolving a regional framework to help resolve such issues. The significance of such initiatives lies in the fact that they do recognise the peculiarity of the situation in the region and work towards constructing a region-specific framework of rights of refugees. Inspired by the success stories of regional initiatives at evolving 'comprehensive legal frameworks' in the context of Africa and Latin America (the Organisation of African Unity Convention of 1969 and the Cartagena Declaration of 1984, respectively), civil society initiatives in South Asia at the level of AALCC and EPG are also geared towards catering to the specificities of the region (Oberoi 1999: 193–201).

Although AALCC is an inter-governmental consultation group with a membership of 44 countries and has existed since 1956, it has, over the years, come to be popularly viewed as a non-governmental organisation in terms of the nature of its operation and functioning. It has been holding its annual sessions in different member countries in which all important decisions regarding its future agenda and modes of functioning are taken. 'Seminars' and 'Meeting of Experts' are frequently organised with

a view to discussing and debating various aspects of a refugee's life. In addition to representatives from the member countries, it depends, for a large measure, on the participation of the expert members like lawyers, activists and academics from the domain of civil society in its consultative meetings. Most of its recommendations in the form of principles and standards for protection of refugees are based on critical inputs from such members of civil society groups. One such seminar was held in December 1996 in Manila to commemorate the 30th anniversary of the Bangkok Principles, which have since formed the bedrock for defining the status and treatment of refugees in Afro-Asian member countries. It was attended by delegates from 23 AALCC member states, including five South Asian countries. With a view to updating the Bangkok Principles in light of the changed nature of state response towards refugees and new developments over the last 30 years, the seminar resulted in a series of recommendations which were later debated threadbare in a 'Meeting of Experts' which took place from 11–12 March 1998 in Tehran. As a result, the Bangkok Principles were duly updated and finally revised at the AALCC's 40th Session at New Delhi in 2001 after a series of consultations that followed the Tehran Meet. The central aim of such consultations is to help generate what is called a 'reasonable consensus' on certain common minimum denominators which would eventually help in formulating a common normative framework of refugee protection for the Afro-Asian region. As Oberoi (1999: 197) notes:

In a region where refugee flows are dealt with primarily as issues of state security and political process, initiatives which emphasise the importance of a legal framework within which to construct refugee policy must be welcomed. On a more general level, the AALCC Sessions are able to foster dialogue on the legal principles affecting refugees, among states with diverse experiences of refugee movements. Eventually, it is hoped, the AALCC initiative will prompt states in the region to move forward in respect of accession to the international refugee instruments and/or adoption of appropriate regional or national procedures.

The Informal Consultations on Refugees and Migratory Movements in South Asia, more popularly known as the EPG, has been instrumental in the adoption of a draft Model National Refugee Law for the countries of South Asia. Established in November 1994 in Geneva at the behest of the United Nations High Commissioner for Refugees, Ms Sadako Ogata, the

central objective of the EPG Consultations has been to rope in eminent and influential personalities of the region who, in turn, can influence their respective governments into adopting a national framework of refugee law. While, over the years, the EPG has grown both in terms of its size and scope, its five eminent original members were P.N. Bhagwati, former Chief Justice of India; Dr Kamal Hossain, former Minister of Foreign Affairs of Bangladesh; Bradman Weerakoon, former advisor to the President of Sri Lanka; the late Justice Dorab Patel from Pakistan; and Rishikesh Shah, Nepal's former diplomat and Permanent Representative to the UN. While the adoption of the draft Model National Refugee Law by the members of the EPG at its Fourth Consultation in Dhaka in November 1997 was a sign of success for the UNHCR, the process of enactment of the same by the respective states continues to be a distant reality. Nonetheless, the efforts of the EPG Consultations in evolving a draft National Refugee Law is praiseworthy, as it opens up new opportunities for the states to provide predictability, reliability and uniformity in the treatment of refugees in the region. As Saxena (2007: 27) notes:

The NML [National Model Law] is a good draft that expands the definition of refugee, extends *non-refoulement* to all asylum seekers, restricts exclusion and cessation conditions, develops a fair and judicious determination mechanism, creates a feasible rights regime, makes special consideration for women and children and provides for situations of mass influx and the implementation of voluntary repatriation as a durable solution. Integrating humanitarian law and the law of human rights in favour of refugee care, it makes a serious effort to answer the *whom*, *how* and *what* questions of refugee protection.

The draft legislation was prepared under the Chairmanship of Justice Bhagwati in the Dhaka EPG meeting after taking into account the specificities of refugee flows in the South Asian scenario. The revised draft was presented by Justice Bhagwati to the Ministry of Law and Justice in India in the year 2000 for consideration and necessary action.⁴ Although the EPG initiative is totally independent of any interference from the governments of the region, Oberoi (1999: 199) notes:

... some measure of government presence is also apparent at EPG meetings, a fact which serves to enhance the potential significance of the process for the future direction of refugee policy in these states. In Dhaka, for instance,

the Minister for Foreign Affairs of Bangladesh delivered the keynote address, while the Law Minister received a copy of the Model National Refugee Law from the Chairperson.

Another good example of public-private interface in the area of refugee protection is the Asia/Pacific Consultations (APC). It was in November 1996 that the Australian government took the initiative to provide a regional forum by convening an Inter-Governmental Consultation on Regional Approaches to Refugees and Displaced Persons in Asia which was attended by 24 countries, including five states from South Asia. The third APC meeting which took place in Bangkok on 9-10 June 1998, and was attended by 58 participants from 18 countries including four South Asian states (Bangladesh, India, Nepal and Sri Lanka), has a specific relevance for the region. The APC emphatically reiterated in one of its resolutions the urgent need to distinguish between different categories of displaced persons. Interestingly, this meeting was co-hosted by UNHCR and the Royal Thai Government and co-chaired by UNHCR and IOM. Its significance lies in its potential to emerge as a viable and effective regional forum in future for addressing various aspects of both voluntary and involuntary population movements in the Asia-Pacific region.

The Delhi-based UNHCR office has also been collaborating with several civil society groups by organising 'Training Workshops' and 'Seminars' on refugee law in India and South Asia with the professed aim of disseminating awareness about the rights of refugees. One such seminar on refugees was organised by it in collaboration with SAARCLAW in New Delhi on 2 and 3 May 1997 (see for details, *Seminar Report* 1997: 1-51). This was followed by a 'Training Workshop on Laws Relating to Refugees' which was held in Calcutta from 12 to 13 July 1997. The organising partner for this was Socio-Legal Aid Research and Training Centre, Kolkata. The main focus of this workshop was on the role of UNHCR and refugee law in India.

Yet another UNHCR-led initiative on refugee protection in South Asia was the 'The Judicial Symposium on Refugee Protection' which was held in New Delhi on 13-14 November 1999. This symposium was organised in collaboration with the International Association of Refugee Law Judges and the Indian Supreme Court Bar Association. This was the first occasion when legal luminaries from different parts of the world came together

under one platform to discuss the issue of refugee protection in the region. In addition to senior members of the Supreme Courts of Bangladesh, Nepal, India and Sri Lanka, seven sitting judges of various High Courts from India also participated in the symposium. The international character of the gathering could be gleaned from the fact that the chairperson of the Immigration and Refugee Board of Canada and the chairperson of Refugee Appeal Tribunals of the United Kingdom and South Africa were amongst its active participants. Law and Justice Minister from India and chairpersons of six State Human Rights Commissions along with senior lawyers, academics and government officials also participated in the symposium.

The New Delhi based NGO, the South Asian Forum for Human Rights (SAFHR) under its director Ravi Nair, has over the years, evolved into an effective watchdog on the issue of violation of human rights of refugees in the region. Apart from undertaking research and preparing reports on refugee-related human rights issues, it has of late, been involved in disseminating general awareness about refugees' concerns and mobilising and sensitising popular opinion towards such uprooted people by holding regional-level seminars and conferences in the region. It also maintains close contact with the NHRC and minutely documents human rights violations in the South Asian region.

The first meeting in a series of consultations on refugee movements in South Asia organised by the SAFHR was held in Kathmandu in 1997 in which the focus was on the need to understand the political dynamics of involuntary movement of people in the region and the need to accede to the 1951 UN Convention and its 1967 Protocol. The second such meeting on the theme 'Refugee and Forced Migration—Need for National Laws and Regional Co-operation' was held in New Delhi from 5–7 September 1998. The Model National Law on Refugees adopted at the Dhaka EPG Meeting was endorsed by the participants after minor alterations in this meeting. One of the most crucial changes witnessed during the course of this meeting, as compared to the first one in Kathmandu, was a distinct shift from its earlier unconditional emphasis on acceding to the international refugee regime to the need for the adoption of a South Asian Protocol which would be more in tune with the specific requirements of the region. Acknowledging the significance of greater national and regional debates on the 1951 Convention, while at the same time being critical of the changed priorities of the developed West, the participants affirmed

the need for adopting regional instruments to help resolve lingering refugee issues in the South Asian region. Another remarkable feature of the New Delhi meeting was that its participants were drawn not only from amongst those who were associated with several non-governmental organisations working in the area of refugee protection but also included delegates from among the various refugee communities in the region. Some of these were the Afghan, Myanmarese, Bhutanese, Sri Lankan Tamil and Iraqi refugees. However, the absence of Chakma refugees living in Arunachal in this meeting is noteworthy. As seen earlier in this chapter, they are rarely taken note of in any enumeration of refugees in South Asia. What is surprising, however, is the fact that their representatives were not invited to attend this meeting even though it was organised by SAFHR, which has otherwise been very vocal in championing the cause of the Chakma refugees in several reports on the issue. This apart, the New Delhi meet is increasingly being looked upon in the refugee studies circle as starting a new phase of enlightened debate on issues of refugee protection in the South Asian region.

The recent formation of the New Delhi-based Asian Centre for Human Rights (ACHR) under the directorship of Suhas Chakma is another important civil society initiative which works broadly in the area of human rights with special interest in the human rights of refugees. Through its various published reports on different aspects of human rights violations, including those of the Chakma refugees in Arunachal, it has rather soon earned a respectable name for itself in the broad area of human rights. In its recently concluded compilation of 'India Human Rights Report 2007', it provides a detailed overview of the varied challenges confronting the Chakma refugees in Arunachal Pradesh. One of the basic limitations of this report, however, lies in its partisan character—it does not at all try to project the concerns of the actually hosting indigenous peoples of the state. This is, however, not exceptional of ACHR; the same could be seen to be true of SAFHR as well or, for that matter, any other organisation commenting on the Chakma issue in Arunachal. It is widely believed though that ACHR played a pivotal role along with SAFHR in the recent grant of citizenship status to 1,497 Chakma refugees in 2004 by lobbying with key human rights agencies in India like the NHRC and with the various ministries of the union Government of India.

While such civil society initiatives are indeed desirable and will definitely go a long way in charting out a new path towards the eventual adoption of a *humane* protection regime for refugees in the region, it is difficult to make sense of the indifference of the states in the region towards the EPG-drafted Model National Law on Refugees which has been hanging in the air for over a decade now. Unless India gets into the proactive mode, the possibility of the Model National Law on Refugees seeing the light of the day seems remote, if not impossible.

NEED FOR AN ALTERNATIVE FRAMEWORK

The need for the South Asian states to slough off their securitised mindsets and paternalistic attitudes while dealing with refugees assumes greater urgency in the light of the position taken almost universally in international conventions that refugees constitute a special class of 'aliens' because of the multiple dislocations they encounter both during the process of refugeehood and in its aftermath (D.K. Singh 2005). The complex process of refugeehood does not make him/her merely homeless; it is also accompanied by social, cultural, economic and political dislocations of his/her life. A refugee, according to Emanuel Marx (1990: 190), is somebody '... whose social world has been disintegrated'. Marx further believes that such a definition '... offers a meaningful classification of refugees, on a continuum that runs from total destruction of the refugee's social world to its persistence even as he or she moves' (ibid.: 190, 196–98). All this, for absolutely no fault of theirs, for nobody ever wishes to become a refugee unless one is forced into it. Ironically, despite this near universal awareness of the plight of refugees, they continue to be used by states for political gain and in situations where this appears infeasible, they are treated as a liability whose exit or repatriation is most anxiously sought by the states. In any case, the concerns of refugees are never central to the agenda of the states, which decide in their own wisdom the fate of such people without taking into account what they would wish for themselves. Even where states play willing host to refugees, their self-perceptions are rarely, if at all, taken into account with the result that they become mere objects of sympathy or in extreme situations, even invite the wrath of the host communities which develop their own fears and apprehensions, both real and imagined, which get manifested at different levels.

Lack of effort on the part of states and scholars alike to incorporate the self-perceptions of refugees and host populations thus poses serious problems in finding effective solutions to such issues. States not only tend to presume what the nature of the problem is, but also approach it with standardised prescriptions. As Needham (1994: 17) notes: '... refugees are assumed to be completely helpless and crying out for any assistance that can be given to them. A condition such as this is seen to require direct action and intervention, independent of the participation of, or consultation with, the refugees themselves.' Such unilateral prescriptions on the part of the states or the aiding agencies are then sought to be applied uniformly in all circumstances regardless of the varying contexts or specificities. People—refugees as well as the actually hosting communities—always remain at the periphery of the discourse generated by such frameworks. Such a problem can be overcome only with a paradigm shift in the hitherto dominant mode of representing refugees. The security-centric framework must give way to a people-oriented approach with equal emphasis on refugees and those who are actually made to host them. The need for an alternative methodological framework which seeks to put both refugees and the actually hosting communities at the centrestage of enquiry is thus increasingly felt today amongst the students of refugee studies.

NOTES

1. In each of these types, the element of imposition is inevitably present. The difference is only in terms of degree. Formulated in the context of explaining the nature of encounter between minority groups and a larger 'national' society, the social psychologist, John Berry proposes a useful four-fold conceptual framework while analysing the processes of 'acculturation': 'assimilation', 'separation' or 'segregation', 'marginalisation' and 'integration'. As against assimilation, which means total submersion within the dominant society, integration, for Berry, entails participation in the larger society without losing the ability to maintain self-identity. We also use the two terms in this work to convey a similar meaning. See for details, Berry (1992).
2. *The Times of India*, 25 August 1994.
3. Rajya Sabha, starred Question in August 2000, Monsoon Session; cited in Saxena (2007).
4. *Deccan Herald*, 8 May 2000; cited in Saxena (2007).

Interrogating India's Refugee Policy

The state of statelessness of the Chakma refugees for well over four decades illustrates how they have become the forgotten people of South Asia. Rejected by Pakistan and disowned by Bangladesh, they continue to fend for themselves without citizenship in India. With the 60th anniversary of the Indian republic round the corner, the story of stateless Chakmas is a grim reminder of the sorry state of refugees in the world's biggest democracy.

COMPLEX CONCERNS

At no stage had the Chakmas, for example, expressed their desire to be resettled in NEFA—a protected area, which today has become a bone of contention between them and the indigenous Arunachalis. Rather, the Indian state settled them in NEFA, little realising then that the Chakmas' settlement in a protected area would assume a complex character in future, with no tangible solution in sight. Similarly, the indigenous Arunachalis are not so much against the grant of citizenship status to the Chakmas as against the Indian government's insistence on settling them permanently on their land, which they believe would not only be violative of the existing customary and statutory safeguards provided to them, but might even eventually obliterate their very existence.

What also becomes abundantly clear from the Chakmas' predicament owing to their statelessness is the fact that there are no takers for them not only in India, but anywhere in the world. Unlike the Tibetan refugees who have been accorded an exceptionally warm treatment ever since

they sought refuge in India, with the Indian state even allowing them to run their government-in-exile; it took the Chakma refugees almost three decades to get noticed in the first place. The fact that the Dalai Lama was awarded the Noble Peace prize speaks for itself. Moreover, the Tibetan cause has generated global solidarity as was evident during the protest marches undertaken by its supporters all over the world in 2008.

In sharp contrast, the Chakmas have not only been fighting a lonely battle for acquisition of rights which are universally recognised as most basic and fundamental for any *humane* existence, but also find themselves caught in the legal muddles of territoriality and citizenship laws. The question as to who belongs and who does not has proved increasingly complicated in terms of some of the specific laws applicable to Arunachal. The question of citizenship to the Chakmas continues to remain unresolved despite the recent grant of the same to some of those who were born in India. It was in early 2004 that 1,497 Chakmas were granted citizenship by the Election Commission of India. This is a minuscule number given their overall presence in the country which runs into thousands. In the absence of any accurate official enumeration of their actual number, different sources quote different figures. The general consensus, however, is on a figure which the Chakmas themselves quote, that is, 65,000.

What accounts for the non-grant of citizenship to the Chakmas is not so much a problem of legal deficiency or lack of constitutional provisions at the domestic level or absence of international obligations, as it is a question of lack of political will. India is indeed party to several instruments at the international level, although it has consciously desisted from ratifying some of the most crucial international instruments with respect to refugees and stateless peoples. What has further complicated the response of the Indian state towards the issue is the fact that it finds itself hamstrung by its own act of having settled the Chakmas in a protected area, which is deeply resented by the local indigenous ethnic communities in Arunachal Pradesh.

Given the general background of migration-induced problems in the Northeast and an overarching sense of affiliation with the land, the fears and apprehensions of the indigenous Arunachalis do not appear all that unfounded or out of context. The prospect of losing land to the Chakma 'outsiders' entails a simultaneous risk of losing their identity and culture. It is this overwhelming sense of fear of losing land and all that

emanates from it that works as the guiding principle in their unshakable resolve to see the Chakmas out of their land. Rejecting such expressions of fear and apprehension, therefore, as merely 'chauvinistic', 'parochial' and 'xenophobic' in nature, as is generally the case in the dominant 'mainstream' understanding of the problem, could perhaps at best be described as an act of oversimplification, and at worst as apathy and indifference to the genuine concerns of the marginal peoples.

However, despite assurances and promises of grant of citizenship and accompanying rights within India, all of which have proved nothing more than hollow and high sounding words, the Chakmas continue to live under wretched conditions without access to any civil or political rights. The physical dislocation accompanied by social, cultural, economic and political break-down of their society more than four decades ago continues to haunt these people even in their new area of settlement, which they now strongly identify as constituting their new 'homes'. Their determination to stay in Arunachal and refusal to move out from there irrespective of the consequences appears quite natural given their long history of statelessness, preceded by a series of displacements experienced by them before they were finally resettled in the state.

Victimised by the politics of partition and persecuted and rejected at the hands of the Pakistani regime, the Chakmas continue to languish in a state of statelessness in the absence of grant of citizenship by the Indian state. Citizenship or no citizenship, as they put it, they will stay put in Arunachal Pradesh itself even if it might amount to risking their lives. What is indeed central to their concern is the issue of land—given their near total dependence on agriculture—and also the fact that they identify themselves so very strongly with the land where they have lived since 1964. Once ousted from their present habitat, they fear, they will have nowhere to go to, for Bangladesh has closed its doors on them and no other state in the world is showing any interest in taking them in. Nor does the Indian government have any plan to relocate them anywhere else within the country. Its insistence to settle them in Arunachal permanently has, if anything, only aggravated the situation on the ground with the indigenous peoples adopting an ever-aggressive posture on the issue, showing no sign of relenting or yielding to the pressures being exerted upon them by the Indian government.

As is evident from Chapter 7, the indigenous resistance to the Chakmas' presence in the state is not so much an expression of opposition to their claims to Indian citizenship, as it is a manifestation of their deep-seated fears of getting marginalised in the wake of Chakmas' permanent settlement in Arunachal with land deeds. This, they believe, will surely reduce them to a minority in their own land in the long run with all its concomitant social, cultural, economic and political consequences. So, not only from the perspective of Chakmas' self-perceptions, but also from those of the indigenous peoples, it is the question of land rights which assumes centrality in the ongoing conflict between them.

Competing Claims Over Land

The question that occupies centrestage then is which of the two groups—the stateless Chakmas or the indigenous peoples—has greater claim over land? At one level, that is, political and juridical level, it might appear that the Chakmas do not have any legitimate claim over land as they are clearly 'foreigners' in the absence of citizenship rights. However, even if they were to be granted citizenship, it would not simultaneously entitle them to any legitimate claim over land, if they chose to stay on in Arunachal. Given the unique status that Arunachal enjoys within the Indian federal arrangement where no non-ethnic Indian citizen can own land or have any permanent stake in the resources of the region, grant of citizenship to the Chakmas would at best only bring them at par with the other outsider Indians living in the state. They may even run the risk of vacating the land presently under their control, as the state government can legitimately ask them to do so, since land is exclusively under the collective control of the indigenous peoples.

At another level, that is, humanitarian level, it would be unfair and unjust to uproot them once again from the land where they have lived all these years, particularly so when they have no other home to call their own. A deep awareness of the specific land laws in the state and the emerging apprehensions that settlement in Arunachal without land rights would make them landless reinforces their determination to be treated at par with the indigenous peoples. What is of even greater significance is the fact that an overwhelming majority of the Chakmas who were born and brought up in Arunachal not only define their political

identity as 'Indians', but also know of no other home they can identify themselves with. With a large number of the older people, who originally came to India from East Pakistan in 1964, already dead and the remaining having reached the fag end of their lives, the yearning to go back among the younger Chakmas simply does not exist. Moreover East Pakistan, from where their forefathers came in 1964, has long ceased to exist and Bangladesh has clearly absolved itself of all responsibility towards them.

The indigenous claim over land rights on the other hand, not only in the context of Arunachal Pradesh as seen in Chapter 7, but as a general pattern the world over, draws its theoretical and political strength from a huge body of literature and international conventions. In all such writing and gatherings, the intimate relationship between indigenous peoples and their land is widely acknowledged and unequivocally underscored as 'absolute' and 'inalienable' in nature.¹ What adds credence to such rights of the indigenous peoples is a growing realisation the world over that since they constitute marginalised groups on account of their subjection to varied processes of exploitation, discrimination and alienation, they must not be deprived of their right over land which acts as the singular source of their economic, cultural and spiritual sustenance. As Wilmer (1993: 131–32) notes:

The most important issue identified by indigenous leaders is the issue of aboriginal rights to land and resources. Other issues—cultural freedom from forced assimilation, political self-determination, protection against illegal encroachments, forced relocation and transmigration, and treaty rights where treaties exist—cannot be addressed without resolving the more fundamental need for access to and control over an economic and territorial resource base, which also represents religious and sacred value.

What is of even greater significance to note in this context is the indigenous self-perception in relation to their land rights. Indigenous peoples look upon themselves as the 'first nations' on the basis of their historical association with their lands, that is, as they put it, 'since time immemorial'. The phrase 'since time memorial' is used by indigenous peoples all over the world to refer to their continued occupancy of lands from which they originate. Viewed against such a backdrop, the claim of the indigenous Arunachalis over land and their consequent protest to the possibility of Chakmas' permanent settlement on their land do appear legitimate.

What clearly gets established in the foregoing account, thus, is not only the centrality of the land issue in the ongoing conflict between the Chakmas and the indigenous Arunachalis, but also the fact that both of them make competing claims over land in Arunachal. Although the grounds on which these claims are invoked are qualitatively different, what is significant to observe in this context, is that while most scholars agree that the claims of indigenous peoples over land must be protected under all circumstances, they tend to adopt partisan views when refugees and indigenous peoples are involved in a conflict over land by siding with the refugees and not even acknowledging, let alone endorsing, the indigenous claim over land. This is more than evident from the conflicting views of scholars on the question of indigenous right to land in the context of CHT and Arunachal Pradesh.

While most scholars defend the inalienable right of the indigenous Chakmas over land by criticising state-sponsored 'ethnic cleansing' in terms of demographic transformation of their numerical status from one of being a majority to a minority in their own land, they tend to adopt a different position vis-à-vis the land question in Arunachal (Bhaumik et al. 1997; Chakma and Chakma 1994: 21–23; Perera 1999: 20; Sankaran 1998: 26–62; Seethi 1999: 56–57; Talukdar 1988). The indigenous resistance to the prospect of Chakmas' permanent settlement on their land on similar grounds is often termed as 'parochial' and 'chauvinistic' despite the striking similarity between the land question in the CHT and Arunachal. Most scholars argue, and rightly so, that the ongoing ethnic conflict between various ethnic communities and Muslim Bengali settlers in CHT cannot be appreciably resolved unless the question of inalienable right of indigenous peoples over their land is established and the Bengalis are relocated in other areas of the country. In other words, the key to putting an end to the ongoing 'insurgency' problem in the region thus lies in acknowledging and restoring the absolute and unfettered rights of the indigenous Chakmas to their land.

In the perspective of the above framework thus, state-sponsored ethnic cleansing can be effectively countered only by taking recourse to a reversal of the very process, which is responsible for reducing the various ethnic communities to the status of minorities in their own land. Ironically, when it comes to the Chakma issue in Arunachal, the question of indigenous right to land is conveniently underplayed in all commentaries

with all attention getting focussed exclusively on the Chakma refugees and their right to citizenship and all other attendant rights subsequently flowing from it. What is conveniently downplayed is the fact that the indigenous Arunachalis also invoke the same right in their protest against the Chakmas' continuing settlement on their land that the Chakmas themselves do in the context of the CHT—right of indigenous peoples to their land.

As is evident from Chapter 7, the indigenous Arunachalis do not at all object to the Chakmas' claim over Indian citizenship, but primarily to their demand to be treated at par with them which they fear would 'legitimise' their control over the land presently under their occupation. Much in the same fashion as that of the Chakmas in the context of the CHT, the indigenous Arunachalis also believe that there can be no long-term resolution of the refugee issue unless they are relocated outside the protected area of Arunachal. The insistence on and determination to free their land from the 'occupation' of Chakma 'outsiders' can perhaps best be illustrated with the help of the remarks of Jarjum Ete, one of the indigenous interviewees, which poignantly capture the deep sense of indigenous fears and apprehensions: 'We do not want Arunachal to become another CHT.'

Given the centrality of the land issue from the vantage points of both the Chakma refugees and the indigenous peoples, the nature of the ongoing conflict between them in Arunachal indeed appears intractable. Any solution that is thrust upon them by the Indian state without taking into consideration the core concerns of the two principal parties will only be at the cost of one community or the other. Grant of citizenship will, of course, put an end to their statelessness, but it would not usher in their fuller integration into the local indigenous society. Unless they are given land deeds and treated at par with the indigenous peoples, they would continue to feel insecure. The grant of APST status along with citizenship to the Chakmas on the other hand, will not only amount to violation of the existing statutory safeguards provided to the indigenous peoples, but may also trigger a violent response from them given the already volatile situation in the state over the issue. In the absence of any common meeting ground between the stateless Chakmas and the indigenous Arunachalis on the one hand and the central and state governments on the other, the prospect of resolving the issue to the satisfaction of all the parties concerned appears unusually bleak.

Explaining the Inexplicable

The intractability of the Chakma issue can broadly be explained at two levels. First, at the level of official discourse which, embedded as it is in the national security discourse, squarely fails to grasp the real nature of the problem. Such a failure emanates from its inability or unwillingness to acknowledge the indigenous dimension to the whole issue on the one hand, and its failure to recognise and appreciate the genuine concerns of the stateless Chakmas, on the other. Second, at the level of India's refugee policy which, of late, has come in for severe attack from different quarters.

The unwillingness of the Indian government to acknowledge the presence of indigenous peoples in India, as is true of the other South Asian states, leads to a highly skewed understanding of the problem. Such unwillingness on the part of the South Asian governments to acknowledge the existence of indigenous peoples in their countries can be largely explained as part of the deliberate process of nullification of the political category of 'indigenous'. This is so because these governments do not wish to grant the rights that invariably flow from the recognition of such a status. This can further be illustrated with the help of an example in the Indian context. The indigenous right to self-determination, which is considered to be one of the most fundamental rights of the indigenous peoples the world over under several international conventions, is denied by the Indian state on the ground that no such category of people exist within India. It is precisely because of such unwillingness to acknowledge the presence of the indigenous peoples within its territorial boundaries that the Indian state cannot appreciate the significance of land in the indigenous worldview. Such people in India are instead known by a curious and politically neutral term called 'scheduled tribes'. Interestingly, even though the so-called tribal people in India do enjoy certain special statutory privileges in terms of reservation schemes in government jobs and educational institutions, the term 'tribe' is an artificial construct which in no way reflects the reality of their lives. Other commonly identified problems with the term 'scheduled tribe', as seen in Chapter 7, relate to its condescending derogatory overtones and more importantly, its general dissociation from the processes of empowerment of such people on social-cultural and political-economic terms, which the use and acceptance of the term 'indigenous' otherwise entails.

The official Indian understanding of the Chakma issue that mainly revolves around the question of citizenship thus remains far removed from the real issues as prioritised by both the stateless Chakmas and the indigenous Arunachalis. The near-total obsession with the citizenship issue alone blinds the Indian state towards the real issues from the vantage points of both the stateless Chakmas and the indigenous peoples. Not only is the question of citizenship secondary to that of land in the worldview of Chakma refugees, but also occupies a peripheral status on the agenda of both the state government and the students-led 'Chakma Go-Back' movement. A careful review of the existing literature on refugees does reveal the fact that grant of citizenship, which generally amounts to local integration, is widely considered as one of the lasting solutions to refugee problems, but in the more specific context of Arunachal the same is not true.

This brings us back to the second level of inquiry, that is, identifying some of the gaps that exist at the level of India's dealings with its refugees, and how best can these gaps be filled. Such an exercise may not prove particularly helpful in resolving the current Chakma issue in Arunachal Pradesh given the far more complex nature of the issue, which goes beyond the question of mere grant of citizenship. However, such an exercise may provide useful insights in addressing future refugee issues.

INTERROGATING INDIA'S REFUGEE POLICY

The history of granting asylum to refugees in modern India can be seen to be rooted in a tradition of voluntarism as against a more formal obligatory structure institutionalised by the international refugee rights regime. Such a tradition of voluntarism is seemingly based on the principle of generous humanitarianism. Scholars have long argued that India has never shied away from its ethical responsibility of extending asylum to refugees. As Amandeep Singh Gill, an official of the rank of Under Secretary with the Ministry of External Affairs (UN Division), Government of India observes: 'India has a commitment to the policy of *non-refoulement*. This is not merely on the legalistic grounds of persecution; India provides refuge on the broader basis of moral humanitarian principles' (Oberoi 2006: 234).

Given such an 'impeccable' track record, the argument goes, India need not unnecessarily commit itself to binding international laws and norms, which might limit its freedom of action. Notwithstanding the generous

reputation that India enjoys as a host to asylum seekers the world over, critics feel that its generosity is not matched by its commitment to provide long-term solutions to refugee problems due to its abstention from the 1951 Convention and its unwillingness to frame national-level refugee-specific laws. As noted by Gorlick (1998: 27):

... given the general positive record of receiving and hosting refugees, it may be time for the South Asian countries to codify their 'good practice' through acceding to the international refugee instruments and enacting national refugee laws. It is not a sound argument to suggest that as a result of an already generous approach to refugees no specific law is required. This would be like saying that because a state respects the rights of its people, there is no need for a constitution.

Agreeing with the general spirit of Gorlick's critique, what I wish to argue here is that while it may not be possible to outrightly dismiss India's track record of being a generous host, its generosity is certainly not unproblematic or unblemished. Particularly, its post-asylum track record towards refugees is far from satisfactory. With the exception of the Tibetan refugees in India who have been allowed to have their settlements administered by their own government-in-exile, the response of the Indian state to other groups of refugees in the post-asylum phase has been rather lukewarm. Even in the context of Tibetan refugees, the response of the Indian state has not been free from security considerations. For example, the Indian government has consistently refrained from disputing that Tibet is an 'integral' part of the People's Republic of China, for it fears that doing so might further strain the already strained relationship between the two countries. The absence of a law on the status of refugees only further complicates India's diplomatic relationship with its neighbours. This is evident from the recent incident of India granting refuge to the Karmappa which had provoked a strong reaction from China on the ground that India was interfering in its internal affairs. Such a reaction would not have arisen, had there been a law in place which would have obliged the Indian government to give asylum. My main argument here is that the foundation of India's humanitarian voluntarism in hosting refugees is distinctly tinged by its 'national interests' which is deeply embedded in the national security discourse, which gets further complicated by a complete absence of any framework of rights of refugees. India's persistent refusal to be a party to

the post-World War II refugee regime which came into existence in 1951 is thus as much a reflection of the strengths of its voluntarism as it is of its inherent weaknesses emanating from its unwillingness to commit to any binding framework of rights of refugees at the national, regional and international levels.

A careful look at all that goes into the making of India's refugee policy and the subsequent debate emerging from it at once reveals that the views of most commentators converge on three common denominators.

Need for a Legal and Legislative Framework

India must evolve a domestic legal and legislative framework to help guide its response to different groups of refugees. The absence of such a framework, the critics maintain, has led to 'political ad-hocism' with the result that different groups of refugees are treated differently (Bhattacharjee 2008; Chimni 1994b; Chimni 2003; Gorlick 1998: 23–27; Khan 1997: 23–26; Oberoi 2006; Verma 1997: 13–18). The consequent lack of uniformity in India's approach to refugees, the critics argue, has resulted in such issues being treated at the 'political-administrative' level with the consequence that refugees once in, are soon forgotten thereafter. Pointing out some of the problems resulting from the lack of a cohesive national policy for addressing refugee flows, Nair (1997a: 89) rightly observes: 'The lack of a national policy limits the ability of state governments and the Border Security Force to deal with refugees, often resulting in mass rejections at the frontier or non-recognition of minimum refugees sneaking into Indian territory.'

In the absence of a clearly laid down refugee determination procedure in India, Nair further shows how the hitherto existing practice of determining refugee status has been highly arbitrary and ad-hocist in nature by highlighting the fact that while 'the Tibetans and Sri Lankan Tamils were granted asylum and refugee status... the 1971 refugees from East Pakistan were called "evacuees" but in effect, treated as refugees requiring temporary asylum. No other community or group in India has been recognised as refugees' (1997a: 94). This makes the critical need, the argument goes, for the adoption of a clear and coherent policy to help concretise India's response to refugees all the more pressing.

Need to Ratify the 1951 Convention

The Indian state must go ahead and ratify the 1951 *UN Convention Relating to the Status of Refugees* which it has till now avoided doing. This is being argued keeping in view, among others, India's growing ambition to find a permanent seat in the Security Council of the United Nations. While India's claim in the expanded UN Security Council may appear 'natural' to itself in the light of its self-perceptions as the world's largest democracy, a rapidly growing economic power and a major contributor to several UN-led peacekeeping operations in different parts of the world, there are many who are sceptical about its credentials as a strong contender. Some of the staunchest sceptics can be heard in the area of refugee studies who argue that unless the Indian state is keen and willing to ratify some of the important international humanitarian instruments like the 1951 Convention Relating to the Status of Refugees and the accompanying 1967 Protocol and the 1954 Convention Relating to the Status of Stateless Persons, it can hardly hope to see its 'urgings' taken seriously by the international community.

Most commentators who fall in this category advance the argument that it would be naïve on India's part to continue desisting from ratifying some of the key international human rights instruments and yet clamour for a permanent seat in the Security Council at the same time. As Chimni notes, 'India is seeking to become a member of the UN Security Council. It can hardly hope to see its urgings taken seriously if it does not play its due role in an important UN organization such as UNHCR' (Chimni 1994b: 397; Singh 2002). It appears quite bizarre, the critics argue, that while India sits on the Executive Committee of the UNHCR—the principal international agency concerned with the assistance and protection of refugees—it maintains an arm's length distance from the international refugee rights regime, that is, the 1951 Convention and the 1967 protocol (Chimni 1994b; Gorlick 2003: 21–36; Khan 1997: 23–26; Nair 1997a: 87–110; Oberoi 2006; Verma 1997: 13–18). It is high time, the critics maintain, the Indian state got out of its long-held policy of shying away from internationalising its refugee issues and embarked upon a proactive policy towards the most wretched of the earth. The need for owning responsibility towards such uprooted people is best captured in

the statement of Costas Douzinas (2000: 143) which succinctly captures the essence of their dilemma: '[T]he refugee is the representative of the non-representable, she has no state or law, no nation or party to put forward her claims'.

Further, non-ratification of the 1951 Convention, the critics maintain, has also resulted in lack of accountability towards fulfillment of international obligations leading to 'arbitrariness' and 'uncertainty' in India's handling of its refugees (Chimni 1994b; Gorlick 2003: 21–38; Khan 1997: 23–26; Nair 1997a: 87–100). The argument in favour of the inevitable need for India to ratify the 1951 Convention and the 1967 Protocol and to exuviate its hitherto flawed rejectionist approach to the international refugee rights regime emanates from the unanimous belief among scholars that India has traditionally enjoyed the reputation of being a very generous host to refugees and that ratifying the 1951 Convention would only formalise what it has been doing so appreciably informally (Gorlick 1998). The argument, in other words, is that India has nothing to fear from it, as it already has an 'impeccable' track record at least as far as hosting refugee populations is concerned.

Need for a South Asian Protocol

The third common denominator relates to the need for evolving a regional framework in South Asia, the absence of which causes unprecedented confusion to those who are forced to flee their homes and seek refuge. The absence of a regional framework, critics argue, not only results in denial of access to a refugee-rights regime, but also further complicates the predicament of refugees in the region. As noted earlier, none of the South Asian states has ratified the international refugee rights regime till date. Nor do they have any domestic legislative framework to deal with refugees, or at least a refugee determination procedure. Given the current state of affairs in South Asia, the refugee issue is largely dealt with at the bilateral level and is not considered important enough an issue to be taken up at multilateral forums.

Having identified some of the common denominators in the ongoing debate on India's refugee policy, I now propose to analyse their relative strengths and weaknesses in the remaining part of this chapter. However, I would limit myself here more particularly to India's response to refugees and only by implication reflect upon the larger South Asian scenario.

Of the three common denominators as identified here, the need for the first, that is, to evolve a domestic legal and legislative framework clearly stands out as the most pressing one for the simple reason that India has not yet enacted any refugee specific legislation and the term 'refugee' does not even appear in its Constitution. As Saxena (2007: 5) notes:

Although there is no definition of the term "refugee" in any Indian statute, the term has been loosely used in administrative correspondence and decisions. The positive rights available to refugees are the same as those for aliens as the refugees have not been recognized as a sub set of aliens requiring a special standard of treatment due to their peculiar and tragic circumstances.

The problem gets further compounded by the fact that most of the existing laws that shape India's response to refugees have indeed become archaic. For example, the principal legislation dealing with the regulation of foreigners is the Foreigners Act 1946, which deals with the 'entry of foreigners in India, their presence therein and their departure therefrom' (Foreigners Act 1946: Preamble). It defines a foreigner to mean 'a person who is not a citizen of India'. Further, Paragraph 3 (1) of the Foreigners Order, 1948 lays down [in Paragraph 3(1)] the power to grant or refuse permission to a foreigner to enter India, in the following terms (Foreigners Order 1948):

No foreigner shall enter India—

- (a) otherwise than at such port or other place of entry on the borders of India as a Registration Officer having jurisdiction at that port or place may appoint in this behalf; either for foreigners generally or any specified class or description of foreigners, or
- (b) without leave of the civil authorities having jurisdiction at such port or place.

It is thus quite evident from the above provisions that all foreigners, unless exempted, are under a general obligation to enter India only after due authorisation of the authority having jurisdiction over such entry points. These provisions mainly aim at dealing with illegal entrants and infiltrators. In case of those who do not fulfil certain conditions of entry, Paragraph 3.2 of the Order authorises the civil authority to refuse leave to enter India. Unless exempted, every foreigner should be in possession of a valid passport or visa to enter India (Para. 3 (2) (a) of the Foreigners Order 1948, read with Rule 3 of the Passport [Entry into India] Rules 1950).

Besides Section 3, Sections 3A, 7 and 14 of the Foreigners Act 1946 are also relevant. The Registration of Foreigners Act 1939 [Sections 3, 6]; the Passport [Entry into India] Act 1920; the Passport Act 1967; the Extradition Act 1962; and the Citizenship Act 1955 are the other legislative measures that deal with regulation, status and treatment of foreigners, including refugees.

Originating in the colonial period, most of these regulations clearly appear to be out of sync with the specificities of refugee issues, as they are not even remotely related to the genuine concerns of refugees in contemporary times. While the above provisions might make sense in the context of detention of illegal entrants and infiltrators, the application of the same in case of refugees, making them liable to prosecution and deportation in situations where they contravene these provisions is a little too harsh. Expecting from those who are fleeing their homes to save their lives to be in possession of valid passport or visa before they enter India clearly amounts to non-recognition of the criticality of the situation, which forces them to seek asylum in the first place.

However, such enactments which mainly relate to the regulation of aliens/foreigners in India have been often upheld by the Indian courts on the ground that they are extendable to refugees as well. The judiciary in India has no doubt been helpful when approached with individual cases. For example, when the Afghan, Iranian and Burmese refugees—against whom the Indian Government had initiated deportation proceedings under Sections 3 and 14 of the Foreigners Act, 1946 for illegal entry into India—approached the Indian courts, the courts responded positively by accepting the plea that if they were returned they would face threats to their life and liberty. All this could be possible not because of any inherent strength of the Indian judicial system, but simply because of what has come to be called ‘a canon of construction’ (Verma 1997) or a ‘shadow of refugee law’ (Saxena 2007: 6).

Of late, the courts in India have indeed got out of the conservative mould by willing to go that extra mile while dealing with refugees, particularly when provisions of the 1951 Convention and its 1967 Protocol do not come in conflict with any provision in the municipal laws. The response of the Indian courts when approached by certain refugees facing deportation has been generally positive. It may be worth mentioning in this context that several recent decisions by Indian High Courts as well

as the Supreme Court have halted deportations and allowed refugees to apply to UNHCR for protection.²

These cases are often cited by several scholars to drive home the argument that the courts in India have increasingly started recognising the right of *non-refoulement*, as they often halt the forcible return of refugees to their countries and allow them to seek protection. It is in this context that the Supreme Court decision in *NHRC v. State of Arunachal Pradesh and Another* has come to be hailed as a landmark decision with regard to refugee protection and is being flagged by several commentators as an evidence of India's growing willingness to recognise and respect refugee's right of *non-refoulement* under article 21 of the Constitution. However, a recent critical assessment of *non-refoulement* under Indian Law challenges such contentions by convincingly arguing that the Supreme Court never actually reached such a 'monumental decision' (Chaudhary 2004: 3261, 3257–64). As Chaudhary observes:

A sober assessment of Indian law reveals that refugees are not entitled to non-refoulement. First, institutional structures provide neither a legal nor a practical guarantee that refugees will not be returned to harm. Second, Article 21 of the Constitution does not include non-refoulement as a fundamental right to refugees. Finally, the Constitution's Article 51 does not incorporate the principle of non-return into Indian municipal law. (Chaudhary 2004: 3263)

Further, while acknowledging the significance of Article 21 in the general context of extending the guarantee of right to life to citizens of India and recognising it as 'the most fundamental of all,' Chaudhary highlights its limitations in relation to its applicability to refugees:

The most important aspect of Article 21 is that it provides different rights in different contexts. First, Article 21 provides less protection when applied to aliens rather than citizens. Second, it also provides less protection when it conflicts with the state's interests in immigration or national security. Finally, it provides no protection whatsoever when someone's life or liberty is deprived of them by a non-state actor. While Article 21 has broadened in recent decades to encompass vast substantive rights, it apparently fails to guarantee non-refoulement to each and every refugee. (Chaudhary 2004: 3259)

Moreover, doubts are being increasingly expressed if judicial creativity can ever be a substitute for a legislative framework. As former Chief Justice Verma (1997: 15–16) notes:

In India particularly... Article 14—the right to equality; Article 21—right to life and liberty; and Article 25—freedom to practice and propagate your own religion ... are rights which the courts have held are available not to citizens alone, but to non-citizens as well. And by that view also to the refugees ... in cases where it was possible by stretching ... the law to some extent, the case is brought within the scope of violation of any of these fundamental rights ... this is only the result of creativity adopted by the courts ... The attempt to fill the void by judicial creativity can only be a temporary phase. Legislation alone will provide permanent solution.

The need for the adoption of national legislation for protection of refugees is also reinforced by the prevailing 'ad-hocism' and 'arbitrariness' that has come to characterise the state's response to refugees in India. In view of the above, India must have a domestic legal and legislative framework to help guide and concretise its response to the refugee issue. However, one is not quite sure about the status of the second common denominator as identified here. As discussed at greater length in Chapter 8, doubts are being increasingly expressed if India should go ahead and ratify the 1951 Convention when the international refugee rights regime itself is in a state of flux.

The need for the adoption of a 'South Asian Protocol and Covenant', the third common denominator as identified here, has for long been emphasised and can well be seen to be shaping up in view of some of the recent developments at the level of civil society in the region. The adoption of a 'Model National Law on Refugees' at the Fourth Regional Consultation on Refugees and Migratory Movements in South Asia, held in Dhaka on 10–11 November 1997 is increasingly being seen as a significant move in this direction. Another effort in this direction crystallised in the form of a set of recommendations made at the end of a seminar on 'Refugees, Migrants, Internally Displaced and Stateless Persons in South Asia: Need for a Regional Protocol' held in Kathmandu on 18–22 November 1996 (for full text of the above drafts and the recommendations, see Bose and Manchanda 1997: 367–77).

However, such initiatives may not mean much unless the respective states are also equally keen to address the refugee issue at the regional level rather than clinging on to the framework of bilateralism. Given the fact that South Asia has the fourth largest refugee population in the world, not taking into account the millions of internally displaced persons and

environmental refugees, the need for a multilateral regional framework appears all the more inescapable. As rightly observed by Nair (1997a: 88):

In South Asia, all categories of refugees face serious problems, from forcible repatriation to starvation. South Asian refugees find themselves living on the edge, clawing for mere survival. There is an urgent necessity for legislation to protect refugees and asylum seekers in South Asia to prevent political ad hocism and forcible repatriation.

The foregoing analysis of India's refugee policy, or lack of it, clearly indicates the need for a shift from the hitherto existing bilateral framework to a proactive engagement both at the national and the regional levels with a view to providing certainty to state response to refugees in the region. Being a generous host to asylum seekers is not enough in itself, it must also be accompanied by a clear and coherent policy at the same time with a view to resolving such issues to the satisfaction of all those concerned. Also, the refugee problem must not be viewed exclusively from the national security perspective or from the viewpoint of refugees only, but also equally from the viewpoint of the actually hosting society which is invariably made to bear the brunt of such settlements. More so, if the host community itself happens to be living on the margins of society, as is the case with the indigenous peoples in the context of the Chakma issue in Arunachal Pradesh.

This, however, cannot be done without evolving a South Asian Protocol. As argued by Samaddar (1999: 34, 43):

Given the security perceptions of the states, these problems can not be resolved by means of uncoordinated activities in separate countries. An alternative consensus or paradigm is required ... Such an alternative view has to be based on new definitions, proactive policies, a holistic attitude ... only a South Asian protocol can establish and protect the rights of refugees whether in Pakistan, or in India, or Nepal or Bangladesh from different regions of South Asia stretching from Afghanistan to Sri Lanka to Myanmar ... if shelter is to be given to refugees without using them for territorial interference ... the fundamental reality must first be recognized: in South Asia most major internal conflicts have external linkages ... they defy 'internal' and 'external' markings, i.e., they often need a bilateral and multilateral solution.

India must, therefore, play a twin role both at the national and regional levels simultaneously in order to appear fair and just not only to the

neighbouring countries, but more importantly to the refugees and the host communities themselves. Bold initiatives by India, seen as a regional hegemon, at the regional level would definitely bolster the spirit of other South Asian states towards the creation of an effective regional framework to resolve the vexed issue of trans-border migration in the region. Further, adoption of a regional framework at the initiative of the Indian government may also put moral pressure on the refugee producing states in the region in the light of the fact that India has traditionally been a host to asylum seekers and its people have rarely had to seek refuge outside, with the exception of the partition refugees (Bose 1997). Added to this is the degree of arbitrariness and ad-hocism generally witnessed in the course of responding to refugees in India, which further makes it mandatory for India to actively participate in the process of evolving a regional framework since such issues have significant domestic and regional implications. India must, therefore, play a proactive role not only in the context of evolution of a domestic legislative framework, but also towards the creation of a regional framework that would clearly make both refugee-producing states as well as refugee-receiving countries in the region accountable to each other.

Although the foregoing account makes a strong case for India to adopt a uniform domestic legislative framework and to play an active role at the regional level at the same time, care must be taken to ensure that certain specificities are not lost sight of in its quest for uniformity. Uniformity of laws would certainly help prevent refugees from becoming stateless peoples as in the case of Chakmas in Arunachal, but it might also violate some of the specific privileges in the process which have been extended to the indigenous peoples of the state for a long time. A look at the Chakma issue through the prism of self-perception of the communities does reveal that both the stateless Chakmas and the indigenous Arunachalis have equally competing claims against the Indian state.

NOTES

1. The issue of land rights was first considered internationally from an indigenous perspective at the 1977 NGO conference in Geneva. It was agreed upon among the participants that a follow-up conference dealing specifically with land issues would be held in 1981. This conference was attended by more than 130 indigenous representatives, which has since then made several important

recommendations to the UN Working Group set up in response to the demands made at this conference. From the framework of indigenous perspective, land is never considered a commodity. According to Frank Wilmer (Wilmer 1993: 116): '... the land itself, as well as the responsibility connecting humans to it, has in general a more spiritual significance to indigenous cultures. Indigenous conceptions of stewardship have spiritual roots.'

2. See, for example, *Bogyi v. Union of India* (Civil Rule No. 981 of 1989); *U Myat Kayew and Nayzan v. State of Manipur* (Civil Rule No. 516 of 1991); *Khy Htoon v. State of Manipur*, Gauhati High Court (WP No. 515/90); WP No. 658/97, Punjab and Haryana High Court; *Dr. Malavika Karlekar v. Union of India*, WP (Criminal) No. 583/92, Supreme Court; CR No. 981/89, Gauhati High Court.

References

REPORTS AND DOCUMENTS

- AAPSU. 1994a. "An Appeal", issued on the occasion of its historic "Delhi March" programme', All Arunachal Pradesh Students' Union, 8–20 May, New Delhi.
- . 1994b. 'Memorandum submitted to the Prime Minister of India', All Arunachal Pradesh Students' Union, New Delhi, May.
- . n.d. 'Why Arunachalees are Opposed to Permanent Settlement of Chakma and Hajong Refugees in Arunachal Pradesh', All Arunachal Pradesh Students' Union, Itanagar, Arunachal Pradesh.
- Amnesty International. 1986. 'Bangladesh: Unlawful Killings and Torture in the Chittagong Hill Tracts', London.
- . 2000. 'Bangladesh: Human Rights in the Chittagong Hill Tracts', February. AI Index: ASA 13/01/00.
- Anti-Slavery Society. 1984. 'The Chittagong Hill Tracts: Militarization, Oppression and the Hill Tribes', London.
- Asian Centre for Human Rights. 2005. 'India Human Rights Report 2005', New Delhi.
- . 2006a. 'India Human Rights Report 2006', New Delhi.
- . 2006b. 'SAARC Human Rights Report 2006', New Delhi.
- . 2007. 'India Human Rights Report 2007: Arunachal Pradesh', New Delhi.
- . n.d. 'The Status of Children in India: An Alternate Report to the United Nations Committee on the Rights of the Child on India's First Periodic Report', Geneva, Switzerland, CRC/C/93/Add.5.
- CCRCAP. 1997. 'Memorandum submitted to the National Human Rights Commission', Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh, New Delhi, 12 December.
- Census of India. 1991a. Arunachal Pradesh, District Census Handbook, Changlang, Series-3, Part-A & B, Directorate of Census Operations, Arunachal Pradesh, 1991.
- . 1991b. Arunachal Pradesh, District Census Handbook, Lohit, Series-3, Part-A & B, Directorate of Census Operations, Arunachal Pradesh, 1991.

- Census of India. 1991c. Arunachal Pradesh, District Census Handbook, Lower Subansiri, Series-3, Part-A & B, Directorate of Census Operations, Arunachal Pradesh, 1991.
- CHT Commission. 1991. 'Life is not Ours: Land and Human Rights in the CHT Bangladesh', Copenhagen and Amsterdam.
- . 1994. Update 2, Copenhagen and Amsterdam, April.
- . 1997. Update 3, Copenhagen and Amsterdam, April.
- ECI. 2004. 'Order', Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi, No. 23/ARUN?2003, 3 March.
- Foreigners Act. 1946. Preamble. Available at http://www.commonlii.org/in/legis/num_act/fa1946127/ (accessed on 26 August 2009).
- Foreigners Order. 1948. 'Order under the Foreigners Act, 1946', Ministry of Home Affairs Notification, New Delhi, 10 February 1948. Available at www.refugeelawreader.org/1172/Foreigner_s_Order_1948..pdf (accessed on 26 August 2009).
- Government of Arunachal Pradesh. 1996. 'White Paper on Chakma-Hajong Issue', Itanagar.
- Government of India. 1952. 'Report of the Scheduled Castes and Scheduled Tribes Commission', Government of India Press, New Delhi.
- ILO. 1989. *Convention Concerning Indigenous and Tribal Peoples in Independent Countries*. 76th Session of International Labour Organisation (ILO), 27 June 1989, Geneva (came into force on 5 September 1991). Available online at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169> (Downloaded on 21 January 2007).
- International Covenant on Civil and Political Rights*. 1966. Adopted on 16 December 1966, GA Res. 2200 (XXI), entered into force on 23 March 1976.
- IWGIA. 1991a. 'Declaration of the Asian Delegation', *Newsletter* (September/October), International Work Group for Indigenous Affairs (IWGIA).
- . 1991b. 'World Bank Operational Directive 4.20', reprinted in *Newsletter* (November/December), International Work Group for Indigenous Affairs.
- Martinez Cobo, Jose R. 1986. *Study of the Problem of discrimination against Indigenous Populations*, Volume 5, 'Conclusions, Proposals and Recommendations', UN Document no. E/CN.4/Sub.2/1986/Add.4. New York: United Nations.
- Minority Rights Group *Urgent Issues Paper*. 1996. 'Indigenous and Tribal Rights in the Asia/Pacific Region', Workshop on Tribal and Indigenous People, 23–25 February, New Delhi.
- National Human Rights Commission v. State of Arunachal Pradesh & Another*. 1996. Writ Petition (civil) No. 720 of 1995, AIR 1996 (1) SCC 742 (also SCC 750).
- NHRC *Annual Report*. 1995–96. New Delhi.
- Peoples' Rights Organization. 1992. 'The Question of Indian Citizenship Rights of the Stateless Chakmas and Hajongs of Arunachal Pradesh', New Delhi, September.

- Perera, Jehan. 1999. 'Peace Process in Nagaland and Chittagong Hill Tracts: An Audit Report', *SAFHR Paper Series* – 5, South Asian Forum for Human Rights, Kathmandu, December, pp. 1–35.
- Rajya Sabha Committee on Petition. 1997. 'Hundred and Fifth Report', 14 August.
- Seminar Report. 1997. 'Refugees in the SAARC Region: Building a Legal Framework', SAARCLAW and UNHCR, New Delhi, 2–3 May, pp. 1–51.
- Statistical Abstract of Arunachal Pradesh. 1994. Directorate of Economics and Statistics, Government of Arunachal Pradesh, Itanagar.
- Study of the Problem of discrimination against Indigenous Populations. 1986. Vol. 5 Conclusions, Proposals and Recommendations, UN Document no. E/CN.4/Sub.2/1986/Add.4. New York: United Nations.
- Survival International. 1983. 'Genocide in Bangladesh', *Survival International Review*, 43.
- The Chittagong Hill Tracts Regulation. 1900. Available online at http://www.satp.org/satporgtp/countries/bangladesh/document/actandordinances/chittagong_hill.htm (accessed on 24 August 2009).
- The Citizenship Act. 1955.
- UN Document. 1988. E/CN.4/Sub.2/1988/25.
- . 1993. E/CN.4/Sub.2/1993/29.
- UNHCR. 1998. 'Refugee Voices from exile': The special issue of *Refugees*, 1(107).
- . n.d. 'Some Basic International Legal Documents on Refugees and Human Rights', New Delhi.

BOOKS AND ARTICLES

- Adelman, Howard. 1999. 'Modernity, Globalization, Refugees and Displacement', in Alastair Ager (ed.), *Refugees: Perspectives on the Experience of Forced Migration*, pp. 83–110. London: Pinter.
- Ager, Alastair (ed.). 1999. *Refugees: Perspectives on the Experience of Forced Migration*. London: Pinter.
- Agrawal, Arun. 1999. *Greener Pastures: Politics, Markets, and Community among a Migrant Pastoral People*. Durham: Duke University Press.
- Ahsan, Syed Aziz-al and Bhumitra Chakma. 1989. 'Problems of National Integration in Bangladesh: The Chittagong Hill Tracts', *Asian Survey*, 29(10), October, 959–70.
- Ali, Mahmud S. 1993. *The Fearful State: Power, People and Internal War in South Asia*. London: Zed Books.
- Alston, P. 1992. *The United Nations and Human Rights: A Critical Appraisal*. Oxford: Clarendon Press.
- Amin, Shahid. 1995. *Event, Metaphor and Memory: Chauri Chaura 1922–1992*. Delhi: Oxford University Press.
- Anderson, Benedict. 1983. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso Press.

- Arens, Janneke. 1997. 'Winning Hearts and Minds: Foreign Aid and Militarisation in the Chittagong Hill Tracts', *Economic and Political Weekly*, 32(29), July 19–25, 1811–19.
- Balwally, Darshan. 1995. 'Mizos up in Arms against Chakma Exodus', *Hindustan Times*, 30 June.
- Barpujari, H.K. 1995. 'North-East India: The Problems and Policies since 1947', *Presidential Address, Indian History Congress*, 56th Session, Calcutta, 28–30 December, pp. 1–63.
- Baruah, Sanjib. 1986. 'Immigration, Ethnic Conflict, and Political Turmoil—Assam, 1979–1985', *Asian Survey*, 24(11): 1184–1206.
- . 2005. *Durable Disorder: Understanding the Politics of Northeast India*. New Delhi: Oxford University Press.
- Bascom, Jonathan. 1994. 'The Dynamics of Refugee Repatriation: The Case of Eritreans in Eastern Sudan', in W.T.S. Gould and A.M. Findlay (eds), *Population Migration and the Changing World Order*, pp. 226–28, 244–46. New York: John Wiley and Sons.
- Baviskar, Amita. 1995. *In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley*. New Delhi: Oxford University Press.
- Behera, Ajay Darshan. 1996. 'Insurgency in the Bangladesh Hills: Chakmas' Search for Autonomy', *Strategic Analysis*, 19(7): 985–1005.
- Berry, J. 1992. 'Acculturation and Adaptation in a New Society', *International Migration*, 30: 69–85.
- Bhalla, Alok (ed.). 1994. *Stories about the Partition of India*. New Delhi: HarperCollins.
- Bhasin, Avtar Singh (ed.). 1994. *India–Bangladesh Relations: 1971–1994, Documents* (Vol. I). New Delhi: SIBA.
- Bhattacharjee, Saurabh. 2008. 'India Needs a Refugee Law', *Economic and Political Weekly*, 43(9): 71–75.
- Bhattacharjee, Sudipta. 1996. 'Chakma issue snowballing in Mizoram', *Telegraph*, 17 February.
- Bhattacharya, J.B. (ed.). 1982. *Social Tension in North East India*. Calcutta: Research India.
- Bhaumik, Subir. 1998. 'North-East India: The Evolution of a Post-Colonial Region', in Partha Chatterjee (ed.), *Wages of Freedom: Fifty Years of the Indian Nation-State*, pp. 310–27. New Delhi: Oxford University Press.
- . 2000. 'Negotiating Access: Northeast India', *Refugee Survey Quarterly*, 19(2): 142–158.
- Bhaumik, Subir, Meghna Guha Thakurta and Sabyasachi Basu Ray Chaudhury (eds). 1997. *Living on the Edge: Essays on the Chittagong Hill Tracts*. Kathmandu: South Asian Forum for Human Rights.
- Bhikku, Bimal. 1995. 'Apropos the Future of the Chakmas', *The Chakma Voice*, 1(1): 3–6.
- Blair, Tony. 2006. 'Managing Migration to the U.K.', *The Hindu*, 8 March 2006.
- Bose, Ajay. 1992. 'On a Short Fuse', *Pioneer*, 16 October.

- Bose, Tapan K. 1997. 'The Changing Nature of Refugee Crisis', in Tapan K. Bose and Rita Manchanda (eds), *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, pp. 40–69. Kathmandu: South Asian Forum for Human Rights.
- Bose, Tapan K. and Rita Manchanda (eds). 1997. *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, Kathmandu: South Asian Forum for Human Rights.
- Burger, Julian. 1987. *Report from the Frontiers: The State of the World's Indigenous Peoples*. London: Zed Books.
- Butalia, Urvashi. 1998. *The Other Side of Silence: Voices from the Partition of India*. New Delhi: Penguin.
- Byrne, Liam. 2008. 'Britain, India, and Immigration', *The Hindu*, 7 February.
- Chakma, Suhas. 1993. 'Targeting Chakmas: After Tripura It Is Arunachal Pradesh', *The Pioneer*, 27 August.
- . 1994a. 'Another Ethnic Strife: Chakmas Are Being Targeted in Arunachal', *The Pioneer*, 7 September.
- . 1994b. 'Do Something about the Chakmas', *The Pioneer*, 21 October.
- . 1994c. 'Driving out the Chakmas: Gegong Apang Is Playing a Dangerous Game', *The Pioneer*, 5 October.
- . 1994d. 'Pawns in the Game', *The Pioneer*, 29 July.
- . 1995a. 'Ethnic Cleansing?' *The Pioneer*, 2 December.
- . 1995b. 'Heading for Trouble', *The Pioneer*, 18 May.
- . 1995c. 'Treatment of Indigenous and Tribal Peoples Shows Asia's Moral Bankruptcy', *The Geneva Post*, 7 March.
- . 1996. 'Chakmas Targeted', *The Pioneer*, 15 March.
- Chakma, Swagatam and Mahendra Chakma. 1994. 'Chakma Problem in Historical Perspective', *Mainstream*, 32(47): 21–23.
- Chakraborty, Sanat K. 2008. 'Chakma Issue Haunts BJP in Arunachal Pradesh', *The Pioneer*, 11 June. Available online at <http://www.sneha.org.in/sneha/paperclips.html> (accessed on 25 August 2009).
- Chari, P.R., Mallika Joshep and Suba Chandran (eds). 2003. *Missing Boundaries: Refugees, Migrants, Stateless and Internally Displaced Persons in South Asia*. New Delhi: Manohar.
- Chatterji, Joya. 1999. 'The Fashioning of a Frontier: The Radcliffe Line and Bengal's Border Landscape, 1947–52', *Modern Asian Studies*, 33(1): 185–242.
- Chaudhary, Omar. 2004. 'Turning Back: An Assessment of Non-refoulement under Indian Law', *Economic and Political Weekly*, 39(29): 3257–64.
- Chaudhury, Sabyasachi Basu Ray. 2000. 'The Politics of "Inclusion" and "Exclusion": The Victims in the Chittagong Hill Tracts, Bangladesh'. Paper presented at the International Conference on *Rethinking Boundaries: Geopolitics, Identities and Sustainability* organised by the Centre for the study of Geopolitics, Panjab University, Chandigarh from 21–26 February, pp. 1–12.
- . 2003. 'Uprooted Twice: Refugees from the Chittagong Hill Tracts', in Ranabir Samaddar (ed.), *Refugees and the State: Practices of Asylum and Care in India, 1947–2000*, pp. 249–80. New Delhi: Sage Publications.

- Chaudhury, Sabyasachi Basu Ray and Ashis K. Biswas. 1997. 'A Diaspora is Made: The Jummas in the North-East India', in Subir Bhaumik, Meghna Guha Thakurta and Sabyasachi Basu Ray Chaudhury (eds), *Living on the Edge: Essays on the Chittagong Hill Tracts*, pp. 139–66. Kathmandu: South Asia Forum for Human Rights.
- Chawla Prabhu, 1979. 'Arunachal Pradesh: President's Rule', *India Today*, 16–30 November, p. 11.
- Chimni, B.S. 1993. *International Law and World Order: A Critique of Contemporary Approaches*. New Delhi: Sage Publications.
- . 1994a. 'The Language of Protection and the Reality of Rejection: End of Cold War and Crisis in Refugee Law', in K.P. Saksena (ed.), *Human Rights: Perspective and Challenges*, pp. 322–27. New Delhi: Lancer Books.
- . 1994b. 'The Legal Condition of Refugees in India', *Journal of Refugee Studies*, 7(4): 378–401.
- . 1998. 'The Geopolitics of Refugee Studies: A View from the South', *Journal of Refugee Studies*, 11(4): 350–75.
- . (ed.). 2000. *International Refugee Law: A Reader*. New Delhi: Sage Publications.
- . 2003. 'Status of Refugees in India: Strategic Ambiguity', in Ranabir Samaddar (ed.), *Refugees and the State: Practices of Asylum and Care in India, 1997–2000*. New Delhi: Sage Publications.
- . 2005. 'Outside the Bounds of Citizenship: The Status of Aliens, Illegal Migrants and Refugees in India', in Rajeev Bhargava and Helmut Reifeld (eds), *Civil Society, Public Sphere and Citizenship: Dialogues and Perceptions*, pp. 277–313. New Delhi: Sage Publications.
- Chowdhury, J.N. 1989. 'Two Visionaries, Nehru and Elwin', in K. S. Singh (ed.), *Jawaharlal Nehru, Tribes and Tribal Policy*, pp. 35–37. Calcutta: Anthropological Survey of India.
- Chowdhry, Prem. 1994. *The Veiled Women: Shifting Gender Equations in Rural Haryana 1880–1990*. New Delhi: Oxford University Press.
- Collins, Larry and Dominique Lapierre. 1988. *Mountbatten and the Partition of India*. New Delhi: Vikash Publishers.
- Das, Ripunjoy. 2004a. 'Defying boycott for first brush with ballot', *The Telegraph*, 6 May.
- . 2004b. 'Refugees' Tryst with History—Chakmas, Hajongs Turn out in Large Numbers to Vote for the First Time-Proxy Voting in Nagaland', *The Telegraph*, 6 May.
- Das, Veena (ed.). 1990. *Mirrors of Violence: Communities, Riots and Survivors in South Asia*. New Delhi: Oxford University Press.
- Dasgupta, Jyotirindra. 1998. 'Community, Authenticity and Autonomy: Insurgence and Institutional Development in India's North-East', in Amrita Basu and Atul Kohli (eds), *Community, Conflict and State in India*, pp. 183–214. New Delhi: Oxford University Press.

- Dass, Durga (ed.). 1970. *Sardar Patel's Correspondence: 1945-50*, Vol. IV. Ahmedabad: Gandhi Book House.
- Datta, Sekhar. 1995. 'Mizoram Chakmas Demand Union Territory', *Telegraph*, 15 November.
- Debbarman, P.K. and Sudhir Jacob George. 1993. *The Chakma Refugees in Tripura*. New Delhi: South Asian Publishers.
- Devalle, Susana B.C. 1992. *Discourses of Ethnicity: Culture and Protest in Jharkhand*. New Delhi: Sage Publications.
- Douzinis, Costas. 2000. *The End of Human Rights: Critical Legal Thought at the Turn of the Century*. Oxford: Oxford University Press.
- Dutta, S. 1998. *Student Movement in Arunachal Pradesh*. New Delhi: Himalyan Publications.
- Elwin, Verrier. 1964. *The Tribal World of Verrier Elwin: An Autobiography*. New Delhi: Oxford University Press.
- . 1977. 'Issues in Tribal Policy Making', in Romesh Thapar (ed.), *Tribes, Caste and Religion of India*. New Delhi: Macmillan.
- . 1988. *A Philosophy for NEFA*, Third Reprint. Itanagar: Directorate of Research, Government of Arunachal Pradesh.
- Falk, Richard A. 2000. *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*. New York: Routledge.
- Fetterman, David M. 1989. *Ethnography: Step by Step*. Newbury Park, California: Sage Publications.
- Franda, Marcus. 1981a. *Bangladesh: The First Decade*. Delhi: South Asian Publishers.
- . 1981b. 'Ziaur Rahman and Bangladeshi Nationalism', *Economic and Political Weekly*, 16(10/12): 357-80.
- Ganguli, Amulya. 1992. 'Bangladeshi Lebensraum: Avoid Witch-Hunts in India', *Times of India*, 13 July.
- Ghose, Arundhati. 1998. 'Providing Refuge', *Seminar*, 463(March): 55-57.
- Ghose, Sanjoy. 1998. 'Journeying Through the North East', in Sumita Ghose (ed.), *Sanjoy's Assam: Diaries and Writings of Sanjoy Ghose*, pp. 146-96. New Delhi: Penguin Books.
- Ghose, Subir. 1996. 'Packed with Indifference', *The Telegraph*, 9 December.
- Gokhale, Nitin A. 1999. 'Without A Pang', *Outlook*, 1 February, p. 24.
- Gorlick, Brian. 1998. 'Refugees and Human Rights', *Seminar* 463 (March): 23-27.
- . 2003. 'Who Needs and Deserves Protection?: The Applicability of the Exclusion Clauses in International Refugee Law', in Omprakash Mishra and Anindyo J. Majumdar (eds), *The Elsewhere People: Cross-border Migration, Refugee Protection and State Response*, pp. 21-38. New Delhi: Lancer's Books.
- Guha, Ramachandra. 1999. *Savaging the Civilized: Verrier Elwin, His Tribals, and India*. New Delhi: Oxford University Press.
- Gupta, Rabin. 1995. 'Searching for a niche', *Economic Times*, 10 November.
- Gupta, Shekhar. 1982. 'Aliens in Arunachal-II: Pampered Students pose problems', *Indian Express*, 31 August.

- Handlin, Oscar. 1951. *The Uprooted*. Boston: Brown and Co.
- Harrell-Bond, Barbara. 1999. 'The Experience of Refugees as Recipients of Aid', in Alastair Ager (ed.), *Refugees: Perspectives on the Experience of Forced Migration*, pp. 136–68. London: Pinter.
- Harrell-Bond, B.E. and E. Voutira. 1992. 'Anthropology and the Study of Refugees', *Anthropology Today*, 8(4): 6–10.
- Hathaway, James C. 1990. 'A Reconsideration of the Underlying Premise of Refugee Law', *Harvard International Law Journal*, 31(1990): 129–83.
- . 1991. *The Law of Refugee Status*. Toronto: Butterworths.
- . 1992. 'The emerging Politics of *Non-entrée*', *Refugees*, 91(1992): 39–48.
- Hathaway, James C. and John A. Dent. 1995. *Refugee Rights: Report on a Comparative Survey*. Toronto: York Lanes Press.
- Hazarika, Sanjoy. 1992a. 'Bangladeshisation of India', *The Telegraph*, 6 February.
- . 1992b. 'Limits of Tolerance in Assam', *Times of India*, 26 August.
- . 1993. 'Bangladesh and Assam: Land Pressures, Migration and Ethnic Conflict', Occasional Paper 3, Joint Project of the University of Toronto and the American Academy of Arts and Sciences, March, pp. 45–64.
- . 1994. *Strangers of the Mist: Tales of War and Peace from India's Northeast*. Delhi: Viking.
- . 1996a. 'Chakmas: Battered and Pushed Around', *Hindustan Times*, 11 January.
- . 1996b. 'India's Far East', *Seminar*, 437 (January): 65–70.
- . 1997. 'Delhi Has Never Really Understood the North-east', *The Sentinel*, 11 June.
- . 1999. 'Bordering on Catastrophe', *The Telegraph*, 27 May.
- . *Rites of Passage: Border Crossings, Imagined Home Lands, India's East and Bangladesh*. New Delhi: Penguin.
- . 2009. 'Refugees Within, Refugees Without'. Available online at <www.south-asia.com/himal/April/chakma.htm> (accessed on 24 August 2009).
- Hussain, Wasbir. 1997. 'Chakmas: Home Bitter Home', *Asian Age*, 19 March.
- Islam, Syed Nazmul. 1981. 'The Chittagong Hill Tracts in Bangladesh: Integrational Crisis between Center and Periphery', *Asian Survey*, 21(12): 1214–15.
- Jha, Dinesh Chandra. 1972. *Indo-Pakistan Relations (1960–65)*. New Delhi: Bharti Bhawan.
- Karmarkar, Rahul. 1994. 'Time to Act: The Centre Must Find an Immediate Solution to the Refugee Problem', *Rashtriya Sahara*, December: 41–44.
- Kennedy, Edward M. 1971. *Crisis in South Asia*. Report by Senator Edward M. Kennedy, U.S. Committee on the Judiciary, 1 November. U.S. Government Press.
- Khan, Irene. 1997. 'Refugees in the SAARC Region', *PUCL Bulletin*, 17(6): 23–26.
- Kingsbury, Benedict. 1998. 'Indigenous Peoples' in International Law: A Constructivist Approach to the Asian Controversy', *The American Journal of International Law*, 92: 414–57.
- Levene, Mark. 1999. 'The Chittagong Hill Tracts: A Case Study in the Political Economy of "creeping" Genocide', *Third World Quarterly*, 20(2): 339–69.
- Limpert, Nathan A. 1998. 'People without a Country', *Seminar*, 463 (March): 41–48.

- Luthra, P.N. 1993. *Constitutional and Administrative Growth of the Arunachal Pradesh*. Itanagar: Directorate of Research, Government of Arunachal Pradesh.
- . 1998. 'The North-east on a Razor's Edge', *Peace Initiatives*, 4(1 & 2) [Special Double Issue, *Assam Today: Can the Fires be Put Out?*]: 25–26.
- Mallick, Ross. 1988. *Development, Ethnicity and Human Rights in South Asia*. New Delhi: Sage Publications.
- Mamdani, M. 1973. *From Citizens to Refugees: Ugandan Asians Come to Britain*. London: Pinter.
- Marrus, M. 1985. *The Unwanted: European Refugees in the Twentieth Century*. Oxford: Oxford University Press.
- Marx, Emanuel. 1990. 'The Social World of Refugees: A Conceptual Framework', *Journal of Refugee Studies*, 3(3): 189–203.
- Mey, Wolfgang. 1984. *Genocide in Chittagong Hill Tracts, Bangladesh*, IWGIA Document No. 51. Copenhagen: IWGIA.
- Misra, Udayon. 2000. *The Periphery Strikes Back: Challenges to the Nation-State in Assam and Nagaland*. Shimla: Indian Institute of Advanced Studies.
- Mitra, Ashok. 1996. 'Seven Blunders of India', *The Telegraph*, 16 October.
- Mohsin, Amina. 1997. 'Military Hegemony and the Chittagong Hill Tracts', in Subir Bhaumik, Meghna Guha Thakurta and Sabyasachi Basu Ray Chaudhury (eds), *Living on the Edge: Essays on the Chittagong Hill Tracts*, pp. 17–44. Kathmandu: South Asian Forum for Human Rights.
- Montu, Kazi. 1980. 'Tribal Insurgency in Chittagong Hill Tracts', *Economic and Political Weekly*, 15(36): 1510–12.
- Nair, Ravi. 1997. 'Refugee Protection in South Asia', in Tapan K. Bose and Rita Manchanda (eds), *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, pp. 87–110. Kathmandu: South Asia Forum for Human Rights.
- Navlakha, Gautam. 1997. 'Bangladeshis in India: The Numbers Game', in Tapan K. Bose and Rita Manchanda (eds), *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, pp. 353–59. Kathmandu: South Asian Forum for Human Rights.
- Nayar, Kuldip. 1996. 'The North-east Dilemma', *Eastern Clarion*, 20 March.
- Needham, Robin. 1994. 'Refugee Participation', in *Refugee Participation Network*, 17 (August): 15–19.
- Oberoi, Pia. 1999. 'Regional Initiatives on Refugee Protection in South Asia', *International Journal of Refugee Law*, 11(1): 193–201.
- . 2006. *Exile and Belonging: Refugees and State Policy in South Asia*. New Delhi: Oxford University Press.
- O'Donnell, Guillermo. 1999. 'Polyarchies and the (Un) Rule of Law in Latin America: A Partial Conclusion', in Juan Mendez, Guillermo O'Donnell and Paulo Sergio Pinheiro (eds), *The (Un)Rule of Law and the Underprivileged in Latin America*, pp. 303–37. Norte Dame, Indiana: University of Norte Dame Press.
- Pandey, G. 2001. *Remembering Partition: Violence, Nationalism and History in India*. Cambridge: Cambridge University Press.

- Philip, A.J. 1996. 'The Chakma Issue Refuses to Go Away', *Indian Express*, 25 November. (Tage Lapung's interview with A.J. Philip titled 'We know how to evict the foreigners'.)
- . 2004. 'Vote a Watershed for the Chakmas', *The Tribune*, 28 March.
- Prasad, Chunnu. 2007. 'Student's Movements in Arunachal Pradesh and the Chakama-Hajong Refugee Problem', *Economic and Political Weekly*, 42(15): 1373–79.
- Rajalaksmi, T.K. 1996. 'Cheer for Chakmas: Supreme Court Upholds Their Right to Citizenship', *Frontline*, 9 February, pp. 38–39.
- . 1997. 'A Step Closer to Peace: Repatriation of Chakma Refugees Resume', *Frontline*, 18 April, pp. 49–51.
- Richmond, Anthony H. 1994. *Global Apartheid: Refugees, Racism, and the New World Order*. Toronto: Oxford University Press.
- Routray, Bibhu Prasad. 2007. 'Tibetan Refugees in India: Religious Identity and the Forces of Modernity', *Refugee Survey Quarterly*, 26(2): 79–90.
- Rustomji, Nari. 1983. *Imperiled Frontiers: India's North Eastern Borderlands*. New Delhi: Oxford University Press.
- Saikia, Anup. 1996. 'Why Should Arunachal Bear the Chakmas Alone?' *National Herald*, 11 January.
- Samaddar, Ranabir. (ed.). 1997. *Reflections on Partition in the East*. Calcutta: Calcutta Research Group.
- . 1999. *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*. New Delhi: Sage Publications.
- . (ed.). 2003. *Refugees and the State: Practices of Asylum and Care in India, 1947–2000*. New Delhi: Sage Publications.
- Sankaran, S.R. 1998. 'Chakmas in Indian Subcontinent: A Struggle for Human Rights', *Indian Journal for Human Rights*, 2(1& 2): 26–62.
- Sanyal, Tarun. 1995. 'The Chakmas and Their Future', *The Chakma Voice*, 1(1): 10–11.
- Saxena, Prabodh. 2007. 'Creating Legal Space for Refugees in India: The Milestones Crossed and the Roadmap for the Future', *International Journal of Refugee Law*, June 18 Oxford University Press. Available online at www.ijrl.oxfordjournals.org (accessed on 11 June 2008).
- Schendel, Willem van. 1995. 'The Invention of the "jummas": State Formation and Ethnicity in Southeastern Bangladesh', in R.H. Barnes, Andrew Gray and Benedict Kingsbury (eds), *Indigenous Peoples of Asia*. Monograph and Occasional Paper Series no. 48. Ann Arbor, Mich.: Association for Asian Studies.
- . 2005. *The Bengal Borderland: Beyond State and Nation in South Asia*. London: Anthem Press.
- Sebastian, A. 1986. 'Migrants in the North Eastern Region of India', in B. Datta Ray (ed.), *The Patterns and Problems of Population in North-east India*, pp. 63–73. New Delhi: Uppal Publishing.
- Seethi, K.M. 1999. 'A Trying Time for the Chakmas', *Indian Journal of Secularism*, 2(4): 55–65.

- Sen, Sumanta. 1994. 'Unwanted People: The Future Seems Bleak for Chakmas', *The Pioneer*, 26 September.
- Sen, Sumit. 1994. 'Return to Bangladesh Upsets Chakmas', *Frontline*, 11 March, p. 44.
- Shourie, Arun. 1993. *A Secular Agenda: For Strengthening Our Country, For Welding It*. New Delhi: HarperCollins.
- Singer, Wendy. 1997. *Creating Histories: Oral Narratives and the Politics of History-Making*. New Delhi: Oxford University Press.
- Singh, B.P. 1987. 'North-east India: Demography, Culture and Identity Crisis', *Modern Asian Studies*, 21(2): 257–82.
- Singh, Deepak K. 1998. "'Communication' to Limpert's 'People without a country'", *Seminar*, 465 (April): 74–76.
- . 2001a. 'Stateless Chakmas in Arunachal Pradesh: From "Rejected Peoples" to "Unwanted Migrants"', *Social Science Research Journal*, 9(1): 47–82.
- . 2001b. 'The Refugee Question in Arunachal Pradesh: Some Conflicting Currents', Special Issue on Ethnic Situation in North East India, *The Journal of Anthropological Survey of India*, 50(4): 95–102.
- . 2002. 'Lifeworld of Refugees', Book Review of B.S. Chimni (ed.), *International Refugee Law: A Reader*, Sage Publications, New Delhi, 2000, in *Economic and Political Weekly*, 37(26): 2572–73.
- . 2003. 'The Chakma Question in Arunachal Pradesh', in Omprakash Mishra and Anindyo J. Majumdar (eds), *The Elsewhere People: Cross-border Migration, Refugee Protection and State Response*, pp. 95–110. New Delhi: Lancer's Books.
- . 2005. 'Responses to Refugees in South Asia: Need For an Alternative Framework', in Gopal Singh and Ramesh Chauhan (eds), *South Asia Today*, pp. 178–88. New Delhi: Anamika Publishers.
- . 2008a. 'A People Off the Map', *Indian Express*, 13 March.
- . 2008b. 'How Far, Arunachal', *Indian Express*, 21 June.
- Singh, H. Khogen. 1994. 'Arunachal Chakmas' cup of woes is full', *The Hindustan Times*, 25 September.
- Singh, K.S. (ed.). 1994. *People of India: Mizoram* (Volume XXXIII). Calcutta: Anthropological Survey of India.
- . (ed.). 1995. *People of India: Arunachal Pradesh*. Calcutta: Seagull.
- Singh, P.P. 1995. 'No Fault of Their Own: The Chakmas Have Been Victims of Continued Atrocities', *Economic Times*, 2 June.
- Sopher, David E. 1963. 'Population Dislocation in the Chittagong Hills', *The Geographical Review*, 3(3): 337–62.
- Srivastava, Vinay Kumar. 1991. 'The Ethnographer and the People: Reflections on Field Work', *Economic and Political Weekly*, 26 (22 and 23): 1408–14.
- Stavenhagen, Rudolfo. 1990. *The Ethnic Question: Conflicts, Development and Human Rights*. Tokyo: UN University Press.

- Steiner, Henry J. and Philips Alston. 1996. *International Human Rights in Context: Law, Politics, Morals*. Oxford: Clarendon Press.
- Talbot, Ian and Darshan Singh Tatla (eds). 2006. *Epicentre of Violence: Partition Voices and Memories from Amritsar*. New Delhi: Permanent Black.
- Talukdar, Ratna Bharali. 2009. 'State of Denial', *Frontline*, 29 August 2009.
- Talukdar, S.P. 1988. *The Chakmas: Life and Struggle*. New Delhi: Gian Publishing House.
- Talukdar, Surajit. 2004. 'Refugees Feel the Heat Ahead of Elections', 16 September. Available online at http://sify.com/news/printer_friendly.php?id=13568279&ctid=2&cid=-1 (accessed on 21 September 2007).
- Talukdar, Sushanta. 2004. '40 Years on, Chakma Refugees Win Right to Vote', *The Hindu*, 4 May.
- Tan, Tai Yong and Gyanesh Kudaisya. 2000. *The Aftermath of Partition in South Asia*. London: Routledge.
- Taylor, Elizabeth M. 1996. 'A Review of the Social Basis for Sustainable Development in Arunachal Pradesh', *Future Generations, India* (Arunachal In-depth). Available online at http://www.future.org/PAGES/5_INDIA/Arunachal_bckgrnd_study.html (accessed on 21 September 2007).
- UNHCR. 1998. 'Focus: Refugee Voices from Exile', *Refugees*, 1 (107): 1-31.
- Van Hear, Nicholas. 1998. *New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrant Communities*. London: UCL Press.
- Verghese, B.G. 1997. *India's Northeast Resurgent: Ethnicity, Insurgency, Governance, Development*. Delhi: Konark Publishers.
- Verma, J.S. 1997. 'Refugees in SAARC Region: Building a Legal Framework', Inaugural Address, Proceedings of a seminar on *Refugees in the SAARC Region: Building a Legal Framework*, UNHCR, New Delhi, 2 May, pp. 3-9.
- Vijaykumar, Veerabhadran. 2000. 'Judicial Responses to Refugee Protection in India', *International Journal of Refugee Law*, 12(2): 235-43.
- Weiner, Myron. 1978. *Sons of the Soil: Migration and Ethnic Conflict in India*. Princeton, N.J.: Princeton University Press.
- . 1993. 'Rejected Peoples and Unwanted Migrants in South Asia', *Economic and Political Weekly*, 38(34): 1737-46.
- Wilmer, Franke. 1993. *The Indigenous Voice in World Politics: Since Time Immemorial*. Newbury Park: Sage Publications.
- Woodman, Dorothy. 1969. *Himalayan Frontiers: A Political Review of British, Chinese, Indian and Russian Rivalries*. London: Barrie and Rockliffe The Cresset Press.
- Xaxa, Virginus. 1999. 'Tribes as Indigenous People of India', *Economic and Political Weekly*, 34(51): 3589-95.
- Zaman, M.Q. 1982. 'Crisis in Chittagong Hill Tracts: Ethnicity and Integration', *Economic and Political Weekly*, 17(3): 75, 77-80.
- Zolberg, Aristide R., Astri Suhrke and Sergio Aguayo. 1989. *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*. New York: Oxford University Press.

MAGAZINES AND NEWSPAPERS

- Assam Tribune*. 2000. 'Why Should Bangladeshis Go to India? Hasina Denies India's Infiltration Report', *The Assam Tribune*, Guwahati, 11 June.
- Business Standard*. 1982. 'Anti-foreigners Stir Comes to Arunachal', 31 July.
- Eastern Clarion*. 1996. 'AAPSU Firm on Eviction', *Eastern Clarion*, 30 January.
- Hindustan Times*. 1994. 'Threat to Stop Supply Line to Arunachal', *The Hindustan Times*, 4 October.
- . 1995. 'Reports of Atrocities on Chakma Tribals', *The Hindustan Times*, 13 May.
- . 1996. 'Don't Delay Chakma Issue, Warns Apang', *The Hindustan Times*, 7 January.
- . 2009. 'Arunachal: Coping with Refugees.' Posted as 'Militancy and Political Trends in North East', available online at <http://www.nagalim.nl/news/00000591.htm> (accessed on 24 August 2009).
- Indian Express*. 1980. 'Foreigners in Arunachal, too', 23 April.
- . 2000. Editorial, 'Unstable Arunachal: Missed Opportunities, Soured Dreams are Apang's Legacy', 20 January.
- Indigenous Rights Quarterly*. 2007. 'Interview with Mr Subimal Bikash Chakma, President of CCRCAP', *Indigenous Rights Quarterly*, 2(1): 11–12, 24.
- Pioneer*. 1994. 'Government Apathy Led to Chakma Deaths', 13 October.
- Special Correspondent*. 1994. 'Amnesty Urges Rao to Protect Chakmas', *Statesman*, 1 October.
- . 2007. 'Citizenship for Bangladeshi Refugees in Arunachal Opposed', *The Hindu*, 4 December.
- Statesman*. 1996. 'NHRC Moves to SC over Chakma Tribals', *The Statesman*, 4 November.
- Telegraph*. 1994a. 'Chakma Plea to Assam', 1 October.
- . 1994b. 'Quit Arunachal Notice, Aliens Issue on Agenda: Saikia Invites Apang for Talks', *The Telegraph*, 22 September.
- Times of India*. 1994a. '42 Die in A.P. of Malaria', *The Times of India*, 8 October.
- . 1994b. 'Chakmas Die of Neglect in Arunachal', *The Times of India*, 13 October.
- . 1994c. 'Chakmas Have Overstayed, Says Apang', *The Times of India*, 9 October.
- . 1994d. 'Saikia Opposes Move to Settle Refugees in N-E', *The Times of India*, 11 October.
- Tribune*. 1994. 'AAPSU Men Torch 19 Chakma Houses', *The Tribune*, 14 October.
- . 2004. 'Arunachal CM Joins Cong with Cabinet', *The Tribune*, 29 August.
- University Today*. 1994. 'Chakmas Deserve a Better Deal', 1 October.

INTERNET SOURCES

- Shillongtimes*. 2007. 'AAPSU revives refugee issue'. Available online at <http://www.theshillongtimes.com/d-4-feb.htm> (accessed on 25 August 2007).
- Nagarealm.com*. 2007. 'Arunachal says no to eviction'. 14 August. Available online at <http://nagarealm.com/index.php?name=News&file=article&sid=4165> (accessed on 25 August 2009).
- 'Chakma refugees in a fix over whom to vote'. Available online at <http://www.sneha.org.in/sneha/paperclips.html> (accessed on 6 July 2007).
- Oneindia.in*. 2008. 'Resolve contentious refugee issue: Khandu to Centre'. Available online at <http://news.oneindia.in/2008/02/01/khandu-urges-centre-to-resolve-contentious-refugee-issue-1201853027.html>, posted on 1 February 2008 13:09(IST) (accessed on 24 August 2009).
- IANs. 2004. 'Shutdown in Arunachal Pradesh on poll eve', *Indo-Asian News Service*, 29 September. Available online at http://www.newindpress.com/election/2004/News.asp?Topic=_303&Ti (accessed on 15 March 2007).

INTERVIEWS

- Ajay Sen Chakma, Ashok Buddha Vihara, New Delhi, 26 December 1998.
- Anand Vikash Chakma, Bijoypur village No. 2, Changlang district, 3 May 1998.
- Anthony Mossang, Borkhet village, Changlang district, 3 May 1998.
- Athitewa Namchoom, Chowkham village, Lohit district, 16 May 1998.
- Devika Talukdar, Jyotsnapur village, Changlang district, 10 May 1998.
- Dilip Chakma, Buddha Vihara, New Delhi, 26 December 1998.
- Dina Lal Chakma, Bijoypur village No. 2, Changlang district, 3 May 1998.
- Ego Doye, Itanagar, Papum Pare district, 24 May 1998.
- Gyan Jyoti Chakma, Chowkham village No. 1, Lohit district, 14 May 1998.
- Jarjum Ete, Itanagar, Papum Pare district, 26 May 1998.
- Joram Begi, Arunachal University Campus, Rono Hills, Papum Pare district, 27 May 1998.
- Khunsan Mossang, Newton village, Changlang district, 5 May 1998.
- Kipa Babu, Arunachal University Campus, Rono Hills, Papum Pare district, 27 May 1998.
- Kishore Chakma, Bijoypur village No. 1, Changlang district, 3 May 1998.
- Lalit Kumar Chakma, Kokila village, Papum Pare district, 23 May 1998.
- M.N. Singpho, Bordumsa, Changlang district, 4 May 1998.
- Marinar Tikhak, Arunachal University Campus, Rono Hills, Papum Pare district, 11 November 1997.
- Maya Shanti Chakma, Abhoypur village, Changlang district, 9 May 1998.
- Mungtang Mossang, Arunachal University Campus, Rono Hills, Papum Pare district, 10 October 1997.
- N.T. Rikam, Arunachal University Campus, Rono Hills, Papum Pare district, 28 October 1997.

- Nabam Jollow, Itanagar, Papum Pare district, 21 May 1998.
- Nabam Shelly, Arunachal University Campus, Rono Hills, Papum Pare district, 11 November 1997.
- Nava Kumar Chakma, Chowkham village No. 2, Lohit district, 14 May 1998.
- Nutan Kumar Chakma, Chowkham village No. 1, Lohit district, 14 May 1998.
- Ocean Gao, Arunachal University Campus, Rono Hills, Papum Pare district, 11 November 1997.
- Pisi Jawlai Singpho, Miao, Changlang district, 6 May 1998.
- Pura Tado, Arunachal University Campus, Rono Hills, Papum Pare district, 2 December 1997.
- Rachob Taba, Arunachal University Campus, Rono Hills, Papum Pare district, 28 May 1998.
- Sangram Chakma, Bijoypur village No. 2, Changlang district, 3 May 1998.
- Shanti Kumar Karbari, Chowkham village No. 1, Lohit district, 14 May 1998.
- Sisir K. Dewan, Bijoypur village No. 1, Changlang district, 3 May 1998.
- Sumangal Chakma, Dharampur village, Changlang district, 8 May 1998.
- Sumitha Namchoom, Chowkham village, Lohit district, 16 May 1998.
- Sumoti Ranjan Talukdar, Jyotsnapur village, Changlang district, 10 May 1998.
- Sushant Kumar Chakma, Ashok Buddha Vihara, New Delhi, 26 December 1998.
- Sushil Kumar Chakma, Abohypur village, Changlang district, 9 May 1998.
- T. Mibang, Arunachal University Campus, Rono Hills, Papum Pare district, 5 December 1997.
- T. Mossang, Borkhet village, Changlang district, 3 May 1998.
- T.C. Teli, Itanagar, Papum Pare district, 27 May 1997.
- Tado Karlo, NERIST Campus, Nirjuli, Papum Pare district, 26 April 1998.
- Takam Sanjoy, Itanagar, 26 May 1998.
- Taw Aazu, Itanagar, Papum Pare district, 27 October 1997.
- Tony Pertin, Itanagar, 25 May 1998.
- Upendra Lal Chakma, Dharampur village, Changlang district, 8 May 1998.
- Vijay Sonam, Arunachal University Campus, Rono Hills, Papum Pare district, 20 May 1998.
- Wathai Mossang, Arunachal University Campus, Rono Hills, Papum Pare district, 30 December 1997.

Index

- Achingmori massacre, 59–60
- All Arunachal Pradesh Students' Union (AAPSU), xiv, 85, 133, 199–200, 213–16
 role in Chakma issue (see Northeast India)
- All Assam Minorities Students' Union (AAMSU), 95
- All Assam Students Union (AASU), 82
- All Tripura Tiger Front (ATTf), 81
- Amra-Bengali, 81
- anti-foreigners movement, in Arunachal Pradesh, 84–85
 role of AAPSU in (see Northeast India)
- A Philosophy for NEFA* (Elwin), 60–61
- Article 21 of the Constitution, and refugee's right, 263–64
- Arunachali nationality, 216
- Arunachal Pradesh. See North East Frontier Agency (NEFA)
- Arunachal Pradesh, Chakmas in, xiv–xvi, 248–51. See also indigenous peoples; indigenous peoples self-perceptions, in Arunachal
- Bangladeshi perceptions of, 131–32
- central government perceptions of, 132–38
 grant of Indian citizenship to refugees, 134–36
- Rajya Sabha Committee, report of, 137–38
- Supreme Court verdict on Chakma refugees, 136–37
- quit notices by AAPSU, 125, 135
- responses of indigenous peoples to, 189
 blame on central government, 194–96
 cultural distinctiveness, 193–94
 as foreigners, 190–91
 as having 'criminal' bent of mind, 192–93
 as refugees, 190
 'we-they' dichotomy, 189
- rift between centre and the state on, 132, 133
- state government perceptions of, 138–43
 on granting citizenship to Chakmas, 143–45
 settlement of Chakmas in state, contentions on, 138–43
 threat perceptions, 145–48
 as stateless peoples, 124–25
 status as refugees, 126
- Arunachal Pradesh Chakma Students Union (APCSU), 160
- Arunachal Pradesh Scheduled Tribe (APST), 162, 199
- Asian-African Legal Consultative Committee (AALCC), 240–41
- Asian Centre for Human Rights (ACHR), 245

Asia/Pacific Consultations (APC),
240, 243

Assam Frontier (Administration of
Justice) Regulation, 1945, 55

Bangladeshisation of India, 77

Bengal Eastern Frontier Regulation,
1873, 15, 63, 105, 138–39, 195

'Chakma Go-Back' movement, by
AAPSU, 93, 96–97, 103, 199,
213–15, 256

Chakma Jatiya Parishad (CJP), 115,
116

Chakma refugees, xiii

definition of refugees in context
of, 21–22

derecognition by Bangladesh, 15
as developmental or environmental
refugees, 15–16

different from other groups of
refugees, 19–21

experiences of, 151–52, 162–63

attachment with land in Arunachal
Pradesh, 167–69

ethno-religious affinities with
local people, 160–62

forced Chakmas' emigration by
government machinery,
169–70

granted refuge by Indian gov-
ernment, 159–60

on grant of APST status, 163–65

on grant of citizenship and land
rights, 163–65

Indian government failure for
not granting citizenship,
171–74

local integration, as solution to
their problem, 177–78

self-identification as 'Indians,'
152–56

study of, 151–52

subjection to human rights
abuse, 170–77

sudden demise of Nehru, 159

as victims of partition, 157–60

victims of political and religious
persecution, 156–59

violation of human rights by state
government and AAPSU,
174–77

fieldwork in research study on,
26–29

informal interviews, use of, 28

interview with Chakma women,
28

problems faced by researchers,
26–27

respondents interviewed, 27

retrospective interviews, use
of, 28–29

semi-structured interviews, use
of, 28

and inclusion of 1497 Chakmas in
voters' list, xiii, 104–06

oral narratives framework for, xvi,
26 (*see also* oral narratives
framework, for social-political
reality)

political identity of, 3–4, 153

as rejected peoples, 15, 17

as stateless, 16–17

as unwanted migrants in Arunachal
Pradesh, 18

as victims of politics of partition,
1–3, 13–16

Chin Hills Regulations, 1896, 139, 195
Chinkis, 73

Chittagong Hill Tracts (CHT), xiii, 1

Buddhist Chakmas in, 36–37

under colonial regime, 30–31

early history of, 37

British rule and regulations,
38–39

Mughals control, 37–38

- geography and population of, 36
 under Pakistani Regime (1947–71),
 39–40
 abolition of special status of, 45
 economic exploitation of region,
 40–41
 inflows of Bengalis, 43
 Kaptai hydroelectric project,
 construction of, 41
 Karnaphuli paper mill, con-
 struction of, 41
 mass displacements of people,
 41
 official policy, 44–46
 refuge in India, by displaced
 Chakmas, 46
 resentment and anger among
 Chakmas, 44
 state bias and plight of Chakma
 oustees, 42–43
 and partition of Indian subcon-
 tinent, 33
 inclusion of CHT in East Bengal,
 explanation on, 35
 Jawaharlal Nehru on Chakma
 petition, 34–35
 plea to Sardar Patel, 33
 Radcliffe Award, protest against,
 33
 under postcolonial phase, 31
 in post-1971 phase
 Chakmas as stateless people,
 52–53
 emergence of Bangladesh and
 official policy, 46–48
 militarisation of CHT, 49–51
 process of *Bengalisation* or
 Islamisation, 50
 response to Chakmas' demand
 for autonomy, 52
 violations of human rights,
 48–49
 Chittagong Hill Tracts Regulation of
 1900, 38–39
 Citizenship Amendment Act, 1986,
 171–72
 Citizenship Rights of the Chakmas of
 Arunachal Pradesh (CCRCAP), 27,
 95, 135, 160, 163–64, 170, xiv
 Cold War, refugee rights regime in,
 229
 Convention on the Rights of the Child
 (CRC), 174
 Article 7(1) of, 172
 Article 28 of, 177
 1951 Convention relating to the
 Status of refugees, 102, 173,
 229, 232–35, 259–60, 264
Declaration of the Asian Delegation, 187
 demographic invasion, 119
 dependency syndrome, 19, 88
 'disalienation', 4
 dumping-ground syndrome, 194–96
 Election Commission of India (ECI),
 104–07
 emic perspective, in ethnographic
 research, 23
 eminent domain, theory of, 191
 Eminent Persons' Group (EPG),
 240–43
 ethnic cleansing, policy of, 253
 Foreigners Act 1946, 261
 freedom, concept of, 2
 genocide, 51
Hundred and Fifth Report, of Rajya
 Sabha Committee, 126, 137
 1989 ILO Convention No. 169, 183,
 185
 Indian Citizenship Act, 90, 104, 128,
 135, 136, 138, 144, 171, 262
 Indian Citizenship (Amendment) Act,
 1985, 90–91

Indian Frontier Administrative Service (IFAS), 61

India's refugee policy, 265–66

denominators in debate on, 258

legal and legislative framework, need for, 258, 261–64

ratification of the 1951 Convention, need for, 259–60, 264

regional framework, need of, 260, 264

and post-asylum track record, 257

on principle of generous humanitarianism, 256–57

indigenous peoples, 182

Arunachalis identification as, 181, 187–89

definition of, 184

in ILO text, 183–84

by United Nations (UN), 182

by WCIP, 184

by World Bank, 184

denial of existence by Asian governments, 186, 255

and land, relationship between, 186–87, 201–02, 252

marginalisation of, 185, 205

mobilisation of international public opinion by, 185

right to self-determination, 205–07

transnational networks in Asia, 187

indigenous peoples self-perceptions, in Arunachal, 180–82, 251, 253–54

AAPSU as spokesperson of people, 213–14

alienation from Indian state, 211–12

concern over citizenship and voting rights to Chakmas, 209

emergence of pan-Arunachali consciousness, 214–16

fear of demographic imbalance, 208–09

fear of losing political control, 209–10

insecurity due to controversial status of Arunachal Pradesh, 212–13

loss of employment, fear of, 213

loss of identity and erosion of cultural hegemony, 210–11

protection of their human rights, 202–05

resentment towards Indian government, 211

right over land, 198–202

right to self-determination, 205–07

solution to Chakmas issue, 216–17

as victims of majoritarian democracy, 197

view of Chakmas (*see* Arunachal Pradesh, Chakmas in)

Indira–Mujib agreement, 1972, 121, 135, 144

The Informal Consultations on Refugees and Migratory Movements in South Asia. *See* Eminent Persons' Group (EPG)

Inner Line Regulation, 54

International Covenant on Civil and Political Rights (ICCPR), 99–100, 172, 174–75, 205

International Covenant on Economic, Social and Cultural Rights (ICESCR), 174–76, 205

International Labour Organisation (ILO), 182

international refugee rights regime, changing nature of, 227–32

international zones at airports, 229, 231

The Judicial Symposium on Refugee Protection, 243–44

Jummas, 36

Kaptai hydroelectric project, 15–16, 41

Kaptai oustees, 16

- Khudiram Chakma v. the nion Territory of Arunachal Pradesh*, 90
- land rights, and conflict in Arunachal, 251, 254
 Chakmas claim over land, 251–52
 claims of indigenous peoples over land, 252–54
- Louis De Raedt v. Union of India*, 99
- Maneka Gandhi case, 91
 mass displacement in South Asia, 16, 158
- McMahon Line, 57–58
- migrant romantics, 236
- migration paranoiacs, 236
- Mizoram, Chakmas in, 111, 113, 118–19
 and anti-foreigners stir, 115–16
 Chakma Autonomous District Council, creation of, 114
 demand for separate administrative unit, 115
 detection drive by Mizoram government, 116–17
 history of, 113
 illegal infiltration of Chakmas, 114
 as Indian citizens after 1947, 114
 Petition to Rajya Sabha Committee, 117–18
 population growth at alarming rate, 114
 protests by Mizos, 115
- Mizo Zirlai Pawl/Mizo Students Union (MZP), 115–17
- Model National Law on Refugees, 242, 244, 246, 264
- National Human Rights Commission (NHRC), 95, 98–99, 116, 123, 135
- National Human Rights Commission v. State of Arunachal Pradesh and Another*, 99–103, 126, 136, 170, 263
- Nationalist Socialist Council of Nagaland (NSCN), 81
- National Liberation Front of Tripura (NLFT), 81
- non-entrée* regime, 228
- North East Frontier Agency (NEFA), xiii, 4–5, 16, 53. *See also* Arunachal Pradesh, Chakmas in
 and Achingmori massacre, 59–60
 under British control, 53–54, 57–58
 Assam Frontier (Administration of Justice) Regulation, 1945, 55–56
 backward tracts, creation of, 54–55
 Excluded Areas, control of, 55
 Inner Line system, 54
 McMahon Line, production of, 57–58
 post of Political Officer, 54
 control after Constitution enactment as full-fledged state, 57
 under Ministry of External Affairs, 56–57
 by President of India, 56
 as Union Territory, 57
 controversy over the status of, 4–6
 developmental package by PM, 5, 6
- Elwin's philosophy of NEFA, criticisms of, 63–65
- location and geography of, 53
- Nehru and Elwin philosophy for NEFA, 60–62
 and Chinese aggression, 67–69
 criticisms of, 66
 fundamental principles of development, 61–62
- Indian Frontier Administrative Service, constitution of, 62–63
- 'make haste slowly', principle of, 61

- Punjabi farmers settlement, proposal of, 67–68
- outsiders apprehensions in indigenous peoples, 59
- politics of defection in state, 85–88
- rise of anti-foreigners movement in, 84–85
- social fabric of, 4, 53
- special attention after partition, 58–59
- transformation in post-1962 period, 69–70
- North East Frontier Agency Panchayat Regulation, 69–70
- North East Frontier Area (Administration) Regulation of 1954, 57
- Northeast India, 71
 - AAPSU on Chakma issue, 85–90
 - and Arunachal–Assam tussle, 94–95
 - Chakmas as ‘foreigners,’ 90–94
 - hardening stand of, 95–98
 - NHRC’s Writ Petition in SC, 98–99
 - quit notices, issuing of, 93, 99, 125, 135
 - revival of anti-foreigners movement, 104–09
 - and Supreme Court verdict on Chakmas, 99–103
 - Chakma diaspora in, 110–13, 127–28
 - Arunachal Pradesh, 124–27
 - Mizoram, 113–19
 - Tripura, 119–24
 - concept of, controversy over, 71–73
 - demographic trends in, 75–76
 - foreigner, concept of, 73–74
 - as land of migrants, 74–77
 - outbreak of armed rebellions, 75
 - uncontrolled influx of migrants, 74
 - migration from Bangladesh to, 77–80, 84
 - ‘anti-foreigner’ movement, in Assam, 81–82
 - marginalisation of indigenous peoples in Tripura, 80–81
 - militant outfits, on migration issue, 81
 - official Bangladeshi discourse on, 77–78
 - and students’ active participation, in political issues, 82–83
 - physical isolation of, 73
 - states in, 71
- Operation Clean Drive, 108
- oral narratives framework, for social-political reality, 22–26
- criticism of, 23–24
- emic perspective in, 23
- ‘Palestinians of South Asia’, 111
- Parbattya Chattogram Jana Sanghati Samiti (PCJSS), 15, 52
- partition of colonial India, consequences of, 7–10
 - birth of Bangladesh, 11
 - human consequences, 10–12
 - minority–majority divide, sharpening of, 10–11
- People’s Party of Arunachal (PPA), 84
- Peoples’ Referendum Rally’, 97–98
- Peoples’ Rights Organization, 91
- Peoples’ Union for Civil Liberties (PUCL), 95, 135
- political refugees, definition of, 18
- population flows, Weiner classification of, 17–18
- principal of *non-refoulement*, 101–02, 256
- principle of self-determination, 206
- The Protection of Human Rights Act, 1993, 98–99
- Radcliffe Award, 13, 15
- protest by Chakmas, 33

- refugee, 221. *See also* South Asia, refugee issue in
 concept of, 18–19
 definition
 in the 1951 Convention, 233
 by Marx, 246
 dominant paradigm on, 232–35
 history of making of refugees in
 South Asia, 221–24
 in India, 225–26
 in Nepal, 225
 in Pakistan, 224–25
 refugee experience study, in refugee studies, 151
Refugees, 25
 rejected peoples, definition of, 17–18
 rights free zone, creation of, 231
- safe haven/safety zone, notion of, 230
Sale v. Haitian Centers Council, 231–32
 security-centric mentality, 236
 Shanti Bahini, 15, 52
 Sixth Schedule of the Indian Constitution, 93, 114, 195
 South Asian Association for Regional Cooperation (SAARC), 237
 South Asian Forum for Human Rights (SAFHR), 244–245
 South Asian Human Rights Documentation Centre (SAHRDC), 95, 123
 South Asia, refugee issue in, 224–27
 alternative methodological framework, need for, 246–47
 civil society initiatives to, 239–46
 state responses to refugees, 235–39
State of Arunachal Pradesh v. Khudiram Chakma, 92, 99
- The Uprooted*, 25
 Tibetan refugees, in India, 102, 108, 248–49, 257
 tribe, category of, 188–89, 255
 Tripura, Chakmas in
 Charter of Demands to Bangladeshi government, 121–22
 involuntary repatriation of Jummas, 122–23
 as natural citizens of India, 119–20
 as refugees in camps, 120–21
 repatriation of Chakma refugees, 121–22
 Tripura National Volunteer Force (TNV), 80–81
 Tripura Resurrection Army (TRA), 81
- 1993 *UN Draft Declaration on the Rights of Indigenous Peoples*, 183–84
 UN Draft Declaration on the Rights of the Indigenous Peoples, 182, 199
 United Liberation Front of Assam (ULFA), 81
 United Nations High Commissioner for Refugees (UNHCR), 25, 177, 225, 229, 243–44, 259
 Universal Declaration of Human Rights (UDHR), 172
 unwanted migrants, definition of, 18
- [The] World Council of Indigenous Peoples (WCIP), 184
- Year of Indigenous Peoples, 121
 Yobins, 90

About the Author

Deepak K. Singh is Associate Professor in the Department of Political Science, Panjab University, Chandigarh. His research interests include migration and refugee studies, politics and ethnicity in Northeast India and postcolonial politics in South Asia. He has contributed several research papers in reputed journals and edited volumes.





Chakma Library
ꠘꠟꠐ ꠘꠟꠐꠟ
www.chakmalibrary.net

... new dimension in refugee studies, the arguments in this book are developed on the framework of oral narratives, incorporating the perceptions of both the Chakmas as well as the Arunachalis who live with them. The book critically analyses national and international official documents and policy statements and demonstrates the absence of legal-institutional and legislative structures to address the concerns of refugees. It throws into relief the sharp contestations over nationalism, citizenship and ethnicity in South Asia, both at the level of political movements and academic discourse. It sheds new light on the outcomes of partition, boundary making and state formation, as well as dominant development models by examining the everyday experiences of these communities.

This book will be a useful resource for scholars and students of politics, international relations, sociology, anthropology and history. It will also help policy makers and lawyers.

Deepak K. Singh is Associate Professor in the Department of Political Science, Panjab University, Chandigarh. His research interests include migration and refugee studies, politics and ethnicity in Northeast India, and postcolonial politics in South Asia. He has contributed several research papers in reputed journals and edited volumes.



₹ 995

ISBN 978-81-321-0236-6

SAGE www.sagepublishing.com
Los Angeles | London | New Delhi | Singapore | Washington DC | Melbourne



9 788132 102366